

The Subscription to the SOLICITORS' JOURNAL is—Town, 2s.; Country 2s.; with the WEEKLY REPORTER, 5s. Payment in advance includes Double Numbers and Postage. Subscribers can have their Volumes bound at the Office—cloth, 2s. 6d.; Half law calf, 4s. 6d.

All Letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer, though not necessarily for publication.

Where difficulty is experienced in procuring the Journal with regularity in the Provinces, it is requested that application be made direct to the Publisher.

## The Solicitors' Journal.

LONDON, MAY 1, 1869.

THE THIRTY-SEVENTH anniversary dinner of the United Law Clerks' Society is to be held on Monday next, the 3rd of May, at Freemasons' Hall. The chair will be occupied by Lord Chief Justice Bovill.

FROM A LETTER which appeared a few days ago in the *Daily News*, we gather that Mr. Thom, the prosecutor of the Overend & Gurney directors, has rather taken umbrage at the remarks we made last week as to his right to conduct that prosecution in person. We cannot see that there was anything in what we said that ought in any way to offend Mr. Thom; and we are sorry that he should be offended, because we have always thought and said that it is a great hardship upon him that the expense and responsibility of such a prosecution should be thrown upon his shoulders instead of being borne by the State. We think, too, that the result of our curious criminal system, which makes the Queen the nominal prosecutor in every criminal case, but some private individual the real prosecutor in the great majority of cases, bears hardly upon people in the position of Mr. Thom. It is hard that you should be bound to discharge a duty, and yet should not be allowed to discharge it in your own person. But, unfortunately, no amount of hardship in the working of the law can make it the less the law.

As to whether it is desirable that prosecutions, especially such prosecutions as the one in question, should be conducted by other than professional men, we really cannot see that there is room for any doubt about the point. No man could conduct the case efficiently without a thorough mastery of several extensive and difficult branches of law, and a perfectly familiarity with the rules of evidence. And how anybody except one accustomed to judicial investigations could possess these qualifications we cannot imagine.

THE EXTRAORDINARY PROCEEDINGS in the Court of Common Pleas in Ireland with reference to Mr. Barry and the late Youghal election petition have attracted much attention in the profession. They are not yet concluded, and there is some reason to hope that the Court may yet withdraw from the position which they have, as it appears to us, so unfortunately assumed. We will not, however, discuss now what the ultimate decision may be. As far as Mr. Barry is concerned there seems no reason to doubt that in the heat of an election harangue he was betrayed into the use of disrespectful language. The propriety of inflicting any punishment, and if any what, for this offence may at a future time be the subject of remarks which at present might be improper; but the conduct of the Court in entertaining this question at all is now before the public, and is a fair subject for discussion. It appears to us that the dignity of the Bench in Ireland must certainly suffer by what has been done. It is difficult to imagine circumstances which would justify judges in taking cognizance in court of proceedings not in any way, directly or indirectly, brought judicially before them. It may be admissible publicly to correct erroneous reports which have been circulated, or impressions which have been

conveyed of their own proceedings. It may also be barely admissible to take some notice during proceedings properly brought before them of transactions taking place elsewhere having reference to the same subject. But to initiate in their own court in their judicial capacity proceedings of any kind in consequence of what they may read in the newspapers is to assume, as it seems to us, a character wholly inconsistent with their position. That the proceedings related to reflections supposed to have been made upon themselves, and upon one of their brethren, makes their course in our view the more undignified.

We are involuntarily reminded of the anecdote we reprinted a short time back from the *Chicago Legal Journal* of the shoemaker justice, who having over his shoemaker's bench got into a discussion with a neighbour upon a case before him in court, fined the neighbour then and there for contempt of court in disagreeing with him, and being remonstrated with on the irregularity of this proceeding, said he would have him to know that the court was a fit subject for contempt at all times. If the courts in Ireland are so very touchy of their dignity that they cannot afford to pass by newspaper reports of election speeches reflecting on them, or even to wait until some one brings the subject before them, will it not even yet to be said of them that they are fit subjects for contempt at all times? Although the present case is, we believe, quite unprecedented, it is not the first occasion within the last few months in which we have had the Irish judges initiating in open court unpleasant discussions upon somewhat personal matters. Our readers will remember the discussion in the Queen's Bench upon the appointment recently made of a gentleman as master of that court, and also the attack made by Mr. Justice Keogh upon Mr. Purcell, Q.C. In England we can no more understand these things than we can understand the oratorical disquisition that have been delivered in Ireland as judgments in the election petitions. If the Legislature had taken into consideration the peculiar temptations which such a subject as these election petitions must present to the Irish temperament, we cannot help thinking that they would have seen that, at all events, as far as Ireland was concerned, the fear expressed by Chief Justice Cockburn of the effect of bringing the judges into contact with such a subject was well founded.

Turning now from the aspect of Mr. Barry's case in which it affects the judges to that in which it affects members of Mr. Barry's profession, the case is no less remarkable. The jurisdiction of the Courts over attorneys, as officers of the court, is extensive and arbitrary, but it is acquiesced in, we believe, cheerfully, from the feeling that it is exercised for the good of the profession. But that on account of something that may have been printed of an attorney in a newspaper he is to be summoned before the Court and ordered, on pain of suspension, to answer upon oath as to how much of the newspaper report is true, and how much is not, is certainly a new and startling exercise of this jurisdiction, and such as if persevered in would greatly shake that confidence.

THE SOUTHAMPTON ELECTION PETITION, the only one decided since our last remarks were written, presented no features of novelty. The connection between the Parliamentary and Municipal elections was again discussed, and it was held that the employment at the Municipal election of boys, the sons of voters, at a higher rate of remuneration than the market value for such services, could not be assumed to have been intended to influence the votes of the parents at the Parliamentary election.

The usual edifying admonitions were delivered against the imprudence of giving a single glass of beer, and the usual inference drawn that the giving was not corrupt.

Mr. Mellish has obtained, on behalf of Mr. Henry James, in the Court of Common Pleas, a rule *nisi*, calling on the petitioners to show cause why the petition filed against Mr. James, as member for Taunton, should not

be taken off the file. The Court, consisting, however, only of two judges, seemed to incline rather strongly to the view that the petition was irregular. Of course, however, they have as yet heard but one side. As it is clear that the electors ought to have an opportunity of questioning Mr. James' return, if it is held they have not got it, it will be a *casus omissus* in the Act. We have never felt able to encourage the petitioners in this case by suggesting to them much hope of ultimate success, but we should be sorry to see them repulsed on this preliminary point.

The two petitions which have been converted into special cases, Salisbury and Manchester, have been appointed for argument on Wednesday next. The first of these relates to the right of certain voters to be on the register, and turns upon rating questions. The second involves the question whether or not Mr. Birley was, at the time of his election, disqualified as a government contractor.

CAN DR. COLENSO be tried for heresy? Such, in effect, is the question to which public attention has once again been invited. Although the Bishop of Natal has been the "hero of a hundred suits," for some cause or other no competent tribunal has pronounced as yet on his orthodoxy. To only one indeed, that of the Bishop of Capetown sitting at Capetown as Metropolitan, has it ever been submitted. It might perhaps have been raised before the Master of the Rolls in the *Bishop of Natal v. Gladstone and Others*, 15 W. R. 29, L. R. 3 Eq. 1. In that suit the defendants, if they had attempted to establish and had succeeded in establishing the plaintiff's heterodoxy, must have won the victory. They preferred to rest their argument on the supposed invalidity of the patent of Dr. Colenso, and abstained purposely from raising any argument on his opinions.

"I have not to consider" said the Master of the Rolls, in delivering his judgment, "whether the plaintiff, by false and erroneous teaching or doctrine, or in any other manner, has misconducted himself as a bishop. I have nothing to do with the question whether his works have or have not an heretical tendency. That question might have been raised and might have had an important bearing on the question whether the plaintiff is or is not entitled to be paid the salary in question; but that question not only is not raised but it seems to have been on both sides carefully excluded from the pleadings."

The result of this course of proceeding was total failure, and now the advisers of the Propagation Society, who were the real defendants, may possibly regret that a more extended line of defence was not adopted. The appeal from Lord Romilly would, moreover, have eventually reached the House of Lords, where the presence or at least advice of the bishops might have lent additional authority to the judgment which the lay peers would have delivered. This golden opportunity, however, was lost. Dr. Colenso still remains in possession of his bishopric and of the funds attached to it, and according to the opinion just published of the Solicitor-General, Sir Roundell Palmer, and Dr. Deane, it has become next to impossible to dislodge him. He cannot be proceeded against in Natal; he cannot be proceeded against, as a *bishop*, in England. As a clerk in holy orders, the learned writers intimate that he might be liable to penalties in an English Ecclesiastical Court. But this opinion is really theoretical, for it supposes first that Dr. Colenso should voluntarily put himself within the jurisdiction of our courts, and secondly, that his offence has been committed within two years of the commencement of a suit against him. With regard to the first point, there is little doubt from his public declarations that he would come to England on purpose

to be tried, but the second is an insuperable objection. Much more than two years has elapsed since the famous commentary on the Pentateuch was published, and the bishop's ambition for martyrdom will scarcely be keen enough to induce him to publish the same opinions afresh in order to facilitate the action of his opponents.

But is it so certain, after all, that Dr. Colenso is not amenable to the general ecclesiastical law? He is continually claiming the position of a "Crown" bishop. Is he to be permitted to enjoy that distinction without submission to its inevitable disabilities? "It has been suggested," says the "opinion," "that the Crown, as visitor or as supreme in causes ecclesiastical or by virtue or in exercise of some other supposed power, may be able, either by Commissioners specially appointed or by means of the Privy Council, to hear and determine the points raised against Dr. Colenso. We are unable to find the slightest ground on which this suggestion can be supported." On the other hand we venture to maintain that a trial "by Commissioners specially appointed" might legally be held. It is contended that such a mode of proceeding would be a revival of the High Commission Court which was abolished by the 16 Car. 1, c. 11. But that Court existed under an Act (1 Eliz. c. 1), which was not an enacting, but a declaratory statute. By virtue of its provisions a permanent tribunal was erected, which was happily abolished by the Long Parliament, and the re-construction of which was forbidden by the 13 Car. 2, c. 2. The repeal of the sections of the 1 Eliz. c. 1, enabling the Sovereign to appoint a high commission court, leaves the ancient prerogative of the Crown as supreme visitor untouched. The law is laid down on this subject with great exactness in *Candrey's case*, Co. Rep. pt. v., p. 8. "It was resolved," says Lord Coke, "by all the judges that if that Act (i.e., the 1 Eliz. c. 1) had never been made, the King or Queen of England, for the time being, may make such an ecclesiastical commission as is before mentioned by the ancient prerogative and law of England." If this statement of the law be accurate, the repeal of 1 Eliz. c. 1, really does not touch the question. The Crown had the power to appoint commissioners before the Act, and possesses it still, although the Act be now repealed. The point, at all events, we venture to submit, is worth discussion. It is by no means so clear as the "opinion" would seem to indicate. A suggestion supported by the high authority of Lord Coke can scarcely be deemed entirely destitute of foundation.

There remains a second method of trying conclusions with Dr. Colenso, which was pointed out in last Tuesday's *Times* by Mr. Forsyth. If the trustees of the Propagation Society again decline to pay Dr. Colenso his stipend, a new chancery suit will be the consequence; and on this occasion the defence that the plaintiff holds opinions not in accordance with the formularies of the Church of England can be set up. In either of these two ways, therefore, Dr. Colenso can, we believe, be brought to trial. It is certainly a "wrong," that if he really does hold heretical views, he should continue to draw the funds of the orthodox; and in this case, as in others, it will probably be found that the old maxim will apply, and that the wrong is not without its appropriate remedy.

THE SECOND READING of Mr. Denman's bill to further amend the law of evidence was taken by the House of Commons on Wednesday afternoon. Although an opposition to the measure was raised by Mr. Stavely Hill and Mr. Wheelhouse, it ultimately fell through, and the bill was read a second time without a division. The three alterations which the bill proposes to make in the law have been given *in extenso* in these columns.\* The most important of them is to make the parties to any proceeding instituted in consequence of adultery, and the

\* *Ante* page 351.

husbands and wives of such parties, competent and compellable witnesses. In support of this proposition it was contended by Mr. Denman that the law as it at present stand is anomalous. He said:—

"One of the most extraordinary anomalies in the existing law with reference to evidence in divorce and judicial separation cases was that if the petition alleged adultery the wife was precluded from giving evidence in her own person of cruelty on the part of the petitioner, whereas if the petition merely prayed for a judicial separation on the ground of cruelty the parties might give evidence in their own persons even with respect to acts of adultery. It thus depended upon whether the issue of adultery was raised by the petitioner or by the respondent, whether or not the parties could give evidence with respect to it."

The objections to the proposed alteration were thus stated by Mr. Stavely Hill.—

"No doubt it would increase the business in the Divorce Court, because it would induce parties to institute proceedings on very slender grounds, in the expectation of being able to elicit something in cross-examination of the respondent, or co-respondent, to establish their case. Again, he thought the public feeling would be shocked by the spectacle of an adulterer or an adulteress getting into the box to avow the immoral act. Would not the woman who openly avowed her infidelity to her husband be adding insult to injury. Then, would not persons be likely to commit perjury to screen their partners in guilt? This sort of perjury would have a particularly bad effect on public morals, because persons would be more ready to excuse it than they would be to excuse false swearing under other circumstances."

It is understood that Lord Penzance is in favour of the bill, but still there is a great deal of force in the objections. They might perhaps be met, however, by making the parties competent, but not compellable, witnesses, and judging from some of Mr. Denman's remarks he would not oppose this modification of his bill, which it is not improbable will be made in Committee.

A DECISION OF MR. KNOX, at the Marlborough-street Police Court, which has lately been quashed at the Middlesex Session has been attracting some attention. The offence charged before Mr. Knox was that the defendant allowed prostitutes and disorderly persons to assemble and continue on his premises. The evidence was that several prostitutes and also several men were found taking refreshment in the house. They were all perfectly quiet, and were eating and drinking at separate tables. There was no other evidence. Mr. Knox held that this was sufficient evidence of the offence charged, and convicted the prisoner.

At the Middlesex Session it was decided on appeal that there was not sufficient evidence of the offence, and the conviction was therefore quashed.

Mr. Knox is reported to have expressed himself very much dissatisfied with this decision, which he seems to think will have the effect of discouraging the efforts which have recently been made to improve the condition of the Haymarket.

It may be that the law as laid down at the Middlesex Sessions will not enable magistrates to convict keepers of refreshment houses of harbouring prostitutes as readily as if Mr. Knox's view of the law had been adopted. It must, however, be remembered that in the absence of any statutory alteration, the ordinary rules of evidence and construction must be applied, and there seems no sufficient reason for a relaxation of those rules in such cases as these. The object of police regulations on such matters is to preserve public order and not to interfere with private conduct.

THE SCHEME for the new Law Courts, with which Mr. Lowe startled everybody on Tuesday week, is to be pushed forward rapidly. On Tuesday, in the present week, the First Commissioner of Works (Mr. Layard) informed the House of Commons that the Government had

finally decided in favour of Mr. Lowe's Howard-street site, and that the consequent bill would be introduced shortly. He added that Mr. Street had signified his ability to build all the courts on this site, together with "every office necessarily dependent thereon;" which means, it may be supposed, every office which Mr. Lowe may except from his prohibition against concentration. In the meantime Mr. Street was busy reconstructing his plans.

The explanation how the Carey-street site is to be disposed of has been reserved until such time as the bill shall appear. It is a point on which we confess to some incredulity. But the main question, already decided and now unexpectedly placed again at issue, is the necessity for concentration of the offices: that is of far more importance even than the site. In spite of Mr. Lowe's last week's depreciation of concentration, the need of concentrating all the offices is a thing which "goes without saying." It may, we trust, be presumed that members will be found patriotic enough to look after this matter when the bill is before Parliament. Mr. Lowe has the credit, and justly, of knowing what he is about in a greater degree than most men. He must thoroughly have enjoyed the situation on Monday week, when, after allowing the advocates of the rival sites to wrangle out their dispute, he quietly informed them that the matter had been settled in favour of neither. The situation, indeed, resembles one in "Box and Cox," in which, while those gentlemen are casting lots for the heiress, she informs them, through the key-hole, that she has already bestowed herself upon Mr. Knox. But we doubt whether Mr. Lowe can have fully appreciated the consequences of his *coup*. If the hidden future should disclose a grand success he will be entitled to all the glory. If the sudden abandonment in its entirety of the plan, both of site and concentration, works badly, Mr. Lowe will have to bear the blame and the public the consequences.

Mr. Lowe's Howard-street site has this objection in our eyes—that we firmly believe Carey-street to be a better site than any in or near the Embankment. But this is of minor importance compared with concentration. It was strange enough, we thought, to have the site question reopened, when the money had been spent and the ground prepared, but, after definitely settling what should be built, and entertaining an expensive competition of architects on that footing, it seems that even this is to be treated as still open, thus rendering the whole subject of the new palace of justice a most ridiculous spectacle of national indecision.

THE HALF-YEARLY MEETING of the Solicitors' Benevolent Association was held on the 21st instant, at the Law Institution; and we print in another column the proceedings of the meeting and the half-yearly report of the society. We observe, with cordial satisfaction, that this excellent institution continues to make satisfactory progress, both in the number of its members and the amount of its funds.

#### THE TRADES UNION QUESTION.

It is now upwards of two years since the Royal Commission, which has lately presented the result of its labours, was appointed to inquire into and report on—the organization and rules of trades unions and other associations, whether of workmen or employers, and the effect of such unions on the workmen and employers, on the relation between workmen and employers, and on the trade and industry of the country. The Commissioners were directed and had authority to investigate any of the then recent acts of intimidation or outrages in connection with trades unions; and in obedience to this direction they instituted what is known as the Sheffield inquiry. Lastly, the Commissioners were to suggest any improvements to be made in the law with respect to the matters of inquiry, or with respect to the

relations between workmen and their employers for the mutual benefit of both parties.

The Commissioners have got together a valuable quantity of evidence; but so far as concerns the practical interpretation to be put upon it, their report has given forth an uncertain sound. The report of the majority is signed by Sir William Erle, Lord Elcho, and Messrs. Gooch, Merivale, Booth, Roebuck, and Matthews; there are two dissents from small portions of this report, but a third dissent is signed by the Earl of Lichfield and Messrs. Hughes and Harrison. Their dissent is one of total disagreement, their reasons being stated in what is practically a counter report of the minority. This is followed by a memorandum by Sir William Erle, which (previously published in a separate form) was intended as a statement at length of the existing law, both common and statute, connected with trades unions. A draft report by Mr. Booth and some remarks by Mr. Merivale bring to a close the first volume, the evidence taken before the Commission being given at length in a second volume.

Whether the subject is looked at from a social, an economic, or a legal point of view, there is the same uncertainty as to existing facts, the same divergence as to suggested remedial action. The two conflicting lines of thought and opinion that run through these reports have resulted in two widely different schemes for the amendment of the law, one of which has found expression in a bill recently introduced by Mr. Hughes and Mr. Mundella.

There are in almost every trade society two distinct objects in view—first, those of an ordinary friendly or benefit society; and, secondly, those of a trade society in the proper acceptation of the term, namely, to promote what may be considered the interests of the working class in any particular trade in such matters as the rate of wages, the manner and the hours of work, or other questions. With regard to the benevolent objects, no question could arise were they not coupled with the trade objects. It is in respect of these latter that the difficulties occur. It is contended by those who identify themselves with the unions that these two objects are inseparable. Obviously, the power of the association for trade purposes is much increased by being so coupled, because a strong hold is given over the individual workman by the possibility of his forfeiting for a trade offence the benefit of his insurance. But there is no reason why, for insurance purposes, the workman should not go to a distinct society, and every reason why objects so different should be preserved from intermixture. As benefit societies, the trades unions are not distinguished by solvency.

The minority of the Commissioners, adopting the memorandum of Sir William Erle, have succinctly stated the law relating to combinations of workmen in these two propositions—

1st. At common law every person has a right to full freedom in disposing of his own labour or his own capital, according to his own will, and every obstruction to the exercise of that right in such a degree as to cause damage to him thereby, even by means not otherwise unlawful, is a wrong.

2nd. A combination by many to do a wrong in a matter where the public has an interest is the substantive offence of conspiracy, and a crime.

In this summary of the common law on the subject we have to deal with two of the vaguest and least defined doctrines of the English law—those, namely, relating to "restraint of trade" and "conspiracy." From an economic point of view the difficulty in making a just law as to "restraint of trade" is one of adjustment. It is hard to poise the point of interference between the two conflicting considerations. Every man has a right to do what he likes with his own—provided he does not interfere with the like right in his neighbour. To secure a maximum of liberty, each must undergo some curtailment. Granted that the happy *maximum* or

*minimum* requires the recognition of trade combinations, associations formed for the coercion of the wills of others by means of united action, there must be some limits to this species of interference, and by what *calculus* can we determine them? But to revert to the common law, the effect of its doctrine is, that no agreement by a number to work on terms to be decided on by the majority is binding, and using the word illegal in the sense in which it was used in *Hornby v. Close*, as equivalent to unlegalized, or not enforceable at law, such an agreement would be illegal, and any attempt to enforce such an agreement either on the parties to it or on others, not by what is termed "unlawful coercion," is criminal. The mere statement is sufficient to show that the first principle of law, "certainty," is wanting here, and all parties are that some amendment is necessary; but it is at this agreed point that the disagreement in the reports commences. The majority of the Commissioners say:—Permit workmen to combine together for determining and stipulating with their employer the terms on which only they will consent to work for him, provided the combination be perfectly voluntary, and that full liberty be left to all other workmen to undertake the work which the parties combining have refused, and that no obstruction be placed in the way of the employer resorting elsewhere in search of a supply of labour. The minority, on the other hand, say:—Permit all combinations aiming, without crime, at ends which are not criminal.

These two proposals are perfectly identical, if the respective proposers can agree as to what is "crime," and what is "obstruction." We are all agreed that combination is not to be wholly forbidden; and as the avowed end of combination is coercion, making difficult or disagreeable the non-compliance with the wishes of those who are combining, it is plain that the lawful *quantum* of let or hindrance must be rather more liberally construed than the common law has hitherto construed them. The statute 6 Geo. 4, c. 129, exempted from punishment persons meeting together for consulting upon and determining the rate of wages which the persons present at the meeting, or any of them, should demand for their work, or the hours during which they should work. But the trades unions number among the objects to be attained by united action such ends as the following:—

To prevent the employment or limit the number of apprentices in any trade.

To prevent the introduction, or to limit the use of machinery in any trade or manufacture.

To prevent any workman from taking any sub-contract, or working by the piece, or working in common with men not members of the union.

To authorize interference, in the way of support from the funds of the union by the council or governing body of the union, with the workmen of any other union when out on strike, or when not otherwise engaged in any dispute with their employer in any case in which such other union is an unconnected union.

And to any society desirous of carrying out any of these provisions the majority of the Commissioners would refuse the capacities, rights, and liabilities arising from a status recognized by law.

This view is vigorously combatted in the report of the minority. They urge, and with great force, that it is impossible to classify the various grounds which may reasonably cause workmen to decline any particular employment in concert, and that the reasonableness of their conduct must depend on the circumstances of each case. That the distinctions drawn between combinations respecting wages and hours, and respecting other conditions of labour which are unlawful, such as combinations against piece work, are arbitrary and unsound, and that it is absurd to make that unlawful in a combination of two unions which either of them may do with impunity.

The majority sum up thus:—"But as many of the rules and bye-laws of some of the trades unions are

ramed in defiance of well-established principles of economical science, and tend to restrict the free action of those principles on which depend the well-being and progress of society; and as, moreover, they appear to us to be not less injurious to the working classes themselves than to the employers of labour and the public generally, we are of opinion that a distinction should be drawn between those trade unions whose rules and bye-laws are, and those whose rules and bye-laws are not, thus open to objection." On the other hand, the minority deny the conclusions, as they controvert the reasoning, of their opponents. They say that there is no freedom of trade in which the workmen are not free to stipulate with an employer in concert for their own conditions. If the employer dislikes the terms his remedy is to decline their services; and the State should no more interfere with the workmen to make them work on terms obnoxious to them than with the employer to make him employ his capital should he desire not to; and, lastly, they sweep away the objections that trades unions are liable to abuse by vexatious and oppressive acts, by asserting that the criminal law is powerful enough to deal with such offences, and in fact does deal with them.

It appears to us that the minority have more reason on their side than the majority. Combinations against piece-work, and the like, may be bad in principle—and we incline to think them so—but it seems to us that the interference created by forbidding such combinations is greater than the interference permitted by allowing them. It is a matter of mere economic adjustment. Combinations not to work with non-unionists are a far greater and more vexatious interference, and we are not for favouring them.

It only remains to examine the remedies and alleviations proposed on the one side and on the other for the admitted evils. Those proposed in the report of the majority amount to this, that while retaining the restrictions of the 6 Geo. 4, c. 129, combinations should not be unlawful (which we may interpret for this purpose permissible by law) simply by reason that their operation would be in restraint of trade—provided that no legal sanction is given to any agreement which is void as in restraint of trade. To carry out this they propose that facilities should be given to trade societies to register themselves under the Friendly Societies Acts, thus giving to them a capacity for rights and duties in some respects analogous to those of corporations. The benefits thus obtained would be the power of appointing trustees of their property, the mode of settling disputes, and remedies against fraud, only partially secured by the Act of 31 & 32 Vict. c. 116. To secure these benefits they would be required to publish their rules and bye-laws, and if those were deemed objectionable by the Registrar he would have power to refuse to register. What rules would be considered objectionable we have pointed out above. Further, any society which keeps its trade and benefit funds separate, and which renders its benefit funds inapplicable to trade purposes, is to be registered as a "first-class trades union benefit society." Yearly statements of accounts and expenditure, and power on the part of the Registrar to call for further accounts and to examine books, complete the amendments proposed—for we cannot gather whether it is intended to give the societies power to enforce their fines and subscriptions.

A great part of the report of the minority is directed towards showing the insufficiency of any legislation based on such narrow grounds; and their suggestions take, accordingly, a wider range, and have been embodied in the bill to which reference has been already made. The sum of their propositions amounts to this:—The statute of Geo. IV. should be abolished *in toto*, and all combination laws should be abolished; and offences committed by members of trades unions dealt with, under the general law of crimes applying to all citizens; and that full and positive protection should be given to the property and funds of trades unions. It is conceded that the societies, in respect of fines and subscriptions, should not

receive the assistance of the State, and they would thus remain in the position of clubs, the penalty for non-payment being expulsion, and no power being given, as in the case of friendly societies, to enforce the payment of subscriptions. To secure these objects the bill before us would repeal the 6 Geo. 4, c. 126, and an amending Act, 22 Vict. c. 34, by which agreements in certain cases are not to be deemed molestation or obstruction within the meaning of the former Act. Combinations are to be permitted with respect to all terms or conditions under which any work or employment shall be carried on, and no such combination shall subject any person to criminal prosecution. This is, in fact, abolishing the common law in respect of combinations; but the 4th section provides that the Act is not to effect the liability of every person to prosecution for and in respect of any offence under any statute or rule of law, or his liability at law or in equity for any damage or loss which may have been occasioned to any other person through any act or default of the person so sued. This reservation of all rights and liabilities, arising otherwise than by the combination laws before repealed, can hardly be absolutely necessary, but its insertion can do no harm, and serves to explain the scope of the Act. Section 5 permits associations or, in other words, trades unions, provided neither the object to be attained nor the means of attaining it are criminal, in the ordinary acceptance of the term—that is, subjects the person offending to prosecution. Such associations shall be capable of obtaining the benefit of those parts of the Friendly Societies Acts as apply to the societies mentioned in section 11 of the Act 18 & 19 Vict. c. 63—that is to say, the power to appoint trustees, the summary process for arbitration, and the summary remedies against fraud and embezzlement. The rules, bye-laws, and standing orders of the union registered and its branches, supported by declaration from the officers, are to be deposited, and an annual statement of receipts and expenditure under stated heads, with power to the Registrar to call for books and explanations, and to give certificates that the rules and expenditure are in accordance with law. The Registrar is to have no power to object to any rule or item of expenditure as being contrary to public policy unless the rule or item discloses a criminal intent or object; an appeal from the Registrar would be to the superior courts of law. In these few words are disposed of the doctrine concerning restraint of trade, and the remaining sections are intended to retain the character of the unions as voluntary associations, by providing that the union is not otherwise than under the preceding section capable of suing as a corporate body, or of recovering at law contributions, arrears, or fines against its own members, or of otherwise enforcing at law, or in equity, any of its rules, resolutions, or contracts, as against any of its members, or of being dissolved or wound up by the courts, nor of being held accountable in law or equity to its members in respect of any rule, agreement, resolution, or act of the society. The last section takes away the right to raise the defence that a criminal prosecution, or any suit or action for the recovery of any property which shall have been deposited with, or which shall have come into the hands of, any person, is brought or promoted in respect of some matter or thing, which is contrary to public policy, as being in restraint of trade, but leaves untouched all other matters relating to restraint of trade, such as the power of courts to give damages for non-performance of an agreement, to give specific performance, and the like.

We cannot acquiesce wholly in either of these schemes. The matter is, as we have said, one simply of economic adjustment, and viewing it in this light, the scheme of the minority appears to us to come nearer the mark than that of the majority. For ourselves we should prefer—in the first place to forbid the combination of the benefit society with the trades union—as to the rest, our scheme would, in principle, much resemble that of the bill, except that we should not sanction combinations not to work with non-unionists.

## REPORT OF THE JUDICATURE COMMISSION.

## NO. II.

We left off last week\* at the point where the Commissioners "proceed to consider the present general arrangements for the conduct of judicial business;" and the first proposal which they make is to divide the term sittings into 3 terms of four weeks each, instead of, as at present, 4 terms of three weeks each. What the supposed convenience of this change would be, we confess ourselves unable to see : if all kinds of business are to be done (as we think they ought to be, and as the Commissioners propose) indiscriminately in and out of term, it cannot surely matter whether the sittings which intervene between Easter Term and the Summer Assizes be called "Sittings after Easter Term," or "Trinity Term;" and if, on the other hand, those kinds of business, such as motions for new trial, &c., which can now only be transacted during term, are still to be confined to term sittings, the result would (or at all events might) frequently tend to delay or defeat such business. Moreover, any change in the number of terms, unless accompanied by very extensive corresponding changes in matters not the least within the province of the Commission, would cause considerable incidental alteration in the law, and that of a kind by no means invariably beneficial. For example—a prisoner who has wilfully lain in prison for two terms is deprived of the benefit of the provisions of the Habeas Corpus Act (31 Car. 2, c. 2); is it intended that the new Easter Term shall count as two for this purpose, or is the time within which a man committed in the beginning of March may apply under this Act to be extended into the next December? Again, a motion to set aside an award under the Act of William III. (9 & 10 Will. 3, c. 15), must be made before the end of the then next term ; is it intended to alter the limitation, or to extend the time? Or again, a student desirous of being called to the bar must keep twelve (or in certain special cases ten) terms at his inn ; is it intended to extend the period of legal education from three years to four ? These are points to which the attention of the Commissioners does not seem to have been directed, and which, indeed, they could not properly have considered.

The next proposal is, that for the despatch of chamber business "one judge at least should sit continuously during the legal year." Does this mean that there should always be at least one judge sitting, or that at least one judge per annum should be told off for that special business exclusively ? The former proposal seems to us to err on the side of insufficiency, the latter on that of excess. At least one judge should be always sitting, and that one should not be changed oftener than (say) once a week ; but a year, or even the interval of from term to term, is too long to confine a judge continuously to routine work of this kind. We should also have liked the Commissioners to make it clear that the judge in chambers should sit there *all day*. This seems to us the most important point connected with this question.

The proposal respecting the *Nisi Prius* sittings in London and Middlesex is substantially that which we made some time since for a "Consolidated *Nisi Prius Court*" after the Irish model. The only addition now made to our proposal is, that issues of fact in the Chancery division are to be set down in the consolidated list, and the only possible objection (if it be an objection) to this is, that that would require the judges of that division to take their turn in trying the causes there, and that the report does not propose to increase their number sufficiently to render this practicable, at any rate unless their suggestion respecting the court of appeal, which will be found somewhat lower in these remarks, or some plan of that kind, be adopted.

The next proposal of the Commissioners is for the abolition of the Home Circuit. The report says—

"The present Home Circuit is composed of five counties in the immediate neighbourhood of London. Between these

counties and London there is constant railway communication, and we have no doubt that the legal business usually transacted at assizes in those counties can be more conveniently disposed of in the metropolis than at separate assizes held for each county. In Surrey, especially, it is notorious that nearly all the causes tried at the assizes are causes which would have been tried in the metropolis, if there had been an opportunity of trying them at the previous sittings. We also think that the criminal business for the counties composing the Home Circuit, which if that circuit were continued, would be disposed of at the assizes, might with advantage be transferred to the Central Criminal Court. That Court has already jurisdiction over certain portions of the counties of Essex, Kent, and Surrey; and we think that any additional expense that may be incurred by trying the prisoners from those counties at the Central Criminal Court will be more than compensated by the speedy trial of prisoners, and the saving occasioned by the abolition of a separate assize for each of the five counties, and of the winter assize. The extended area, also, from which the jurors will be taken, will render the attendance of any particular juror, or class of jurors, less frequent, and the duties of the jurors on the whole less onerous.

"We therefore propose that the counties composing the Home Circuit should, with Middlesex, constitute for all the purposes of trial, both in civil and criminal cases, one venue or county. As respects the city of London, we do not think it will be expedient, until the proposed new courts of justice shall have been erected, to disturb the existing arrangements for holding separate sittings at the Guildhall for the trial of cases of a commercial character."

We fear that this will meet with great opposition from the counties proposed to be affected, particularly Kent and Sussex ; and we are inclined to think that a modification of the proposal, slightly extending the area of the Central Criminal Court jurisdiction, and erecting that area into a single metropolitan county for all civil and criminal purposes, and perhaps uniting for assize purposes the excluded portions of Hertfordshire and Essex, Surrey and Sussex respectively, would both work more satisfactorily and be more readily accepted by the localities.

The report next proceeds to the general question of circuits, and its proposals in this respect are dissented from by Mr. Baron Bramwell, Mr. Justice Montagu Smith, and the Solicitor-General. The report, after remarking on the very unequal divisions of the counties, and the delay and expense of attendance at so many county towns, at many of which there is little or no business to be transacted, proceeds as follows :—

"We are, therefore, of opinion that the judicial business of the country should no longer be arranged and distributed according to the accidental division of counties, but that the venue for trials should be enlarged, and that several counties should be consolidated into districts of a convenient size,—that such districts should for all purposes of trial at the assizes, both in civil and criminal cases, be treated as one venue or county,—and that all counties of towns or cities should for the purposes of such districts be included in an adjacent district or county.

In arranging the circuits, we think that they should be so remodelled as to render the amount of business likely to be transacted on each circuit as nearly equal as may be practicable ; and in fixing the towns at which the assizes should be held, we recommend that those towns should be chosen which are the most central, with which there is the best and most rapid railway communication from all parts of the district,—and to which the inhabitants are most in the habit of resorting for the purposes of business. We may add, that after deducting the counties now forming the Home Circuit, we have reason to think that six circuits for England and Wales would be found sufficient.

This proposal seems to us to proceed on a radically wrong principle. We think that the true principle of "Justice in Eyre," is that laid down in the protest of Mr. Justice Smith and the Solicitor-General, who say on this point :—

"Our general view is, either that the present system of holding assizes, which is based on the existing divisions of counties, and which brings justice reasonably near to the homes of suitors, witnesses, and jurymen, should, with some

\* *Ante* p. 493.

modifications be retained; or that circuits should be altogether discontinued, and provincial courts established with assigned districts, having judges who should go frequent circuits to convenient places within such districts; and with appeal from the provincial courts in certain cases to the Metropolitan Courts of Appeal."

We venture to think that, instead of fewer, more numerous assize towns are required to meet the growing amount of business in the country, and that the true objection to the present system in this respect is the antiquated cumbrousness with which the proceedings are conducted. If assizes were regularly held from three to four times a year in every town where quarter sessions are now held, such assizes to be contemporaneous with, but independent of, the sessions, and to be presided over by but one judge (who should be competent to deal with civil and criminal business indiscriminately, and should also, we think, as is now the case in Ireland, hear appeals from the County Court in actions where no point has been reserved for the opinion of the Court in Banco, but should not entertain any question with which the County Quarter Sessions or the County Court was competent to deal,) justice would be, we think, effectually "brought home to every man's door" in a manner more truly resembling the original intention of the institution of County Assizes than in the present system, or any such modification thereof as is proposed by the Commissioners. Nor do we think that the labour thus imposed upon the judges would on the whole be greater than at present, though it would be somewhat differently distributed. It would of course be necessary to alter somewhat the present system of Quarter Sessions, as it would be manifestly inconsistent with our scheme that they should be held, as now, simultaneously all over the country; but there could be no real difficulty in dividing the country into, say, eight circuits, and so arranging matters that eight judges should be from time to time detached for this duty without interfering with the sittings of the common law divisions of the court in London; or if it were thought better that these divisions should not sit during the circuits, then (subtracting three judges for the nisi prius and chamber work in town, and three more for the Court of Appeal, &c.) twelve circuits might be sent out simultaneously; and as we do not imagine that (with perhaps two or three exceptions, such as Liverpool, Bristol, &c.) any town would require the attendance of a judge for more than one day, and as we, in common with the Commissioners, propose to abolish all formalities of reception by the sheriff, opening the commission, &c., at each place, it would not require more than ten days to a fortnight to get through the entire assizes on each occasion. That would give about a month to six weeks of circuit business for each judge per annum, a quantity less than the present average.

The report then takes up the question of juries, and their recommendations on that head are practically confined to an extension of the classes from which special jurors are to be taken, and a considerable increase in the qualification of common jurors. They say—

"We think that the burden thrown upon special jurors might, without prejudice to the suitors, be materially lessened by altering and extending the qualification of special jurors, and that, on the other hand, the qualification of other jurors should be somewhat raised. If the constitution of common juries is improved, it is not improbable that the resort to a special jury will be less frequent.

In the metropolis a rateable value as low as £30 qualifies a juror, and in the country £20. In Wales the qualification is three-fifths of that in England. Having regard to the changes which have taken place in the value of property since these amounts were fixed, we think that the value of the rated house which qualifies the householder should be raised to £50 in parishes wholly or in part within any town containing, according to the census next preceding the preparation of the jury list, 20,000 inhabitants and upwards, and to £30 in other places. We think that the qualification in Wales should be the same as in England. In other

respects we think that the qualification of a juror should be as at present.

We are of opinion that aliens having been resident in this country for ten years, if possessed of the requisite qualification, should be liable to serve as jurors, and that alienage should not be ground of challenge. We further recommend that the right of an alien to claim a trial by a *jury de medietate lingua* should be abolished.

Our attention has been called to the numerous grounds upon which persons qualified to serve as jurors are now entitled to exemption. We recommend that all exemptions on the ground of charter, prescription, or otherwise than by statute, should be abolished, and that the list of exemptions should be narrowed as far as possible, the exemptions being limited to persons whose avocations render them undesirable as jurors, or whose duties are of such a character, and would be so far interrupted by their serving on juries, as to occasion practical detriment to the public.

We think that the special jurors should consist of those at present qualified, and such as occupy a private dwelling-house rated at £100 in a town of 20,000 inhabitants and upwards, or elsewhere at £60, or who occupy premises other than a farm rated at £200, or a farm rated at £500. By this extension of the qualification of special jurors, we think that their duties would be distributed over a much larger proportion of the whole body of jurors, without lessening that amount of intelligence which the suitors naturally expect when they have resort to a special jury.

On the other hand, we are of opinion that persons qualified as special jurors should continue on the general panel as common jurors, both in civil and criminal cases, and should not be exempted from serving on common juries as at present is the practice.

Then, after quoting and expressing their concurrence in the views expressed by the Common Law Commissioners of 1850, and making some minor suggestions on points of mere detail, the report proceeds:—

"The question of remuneration to jurors appears to us to be one of some difficulty. It would manifestly be impracticable to fix an amount, which would adequately compensate special jurors for their loss of time. On the other hand it is important that the remuneration to common jurors should not be sufficient to make them desirous of serving for the purpose of obtaining it. We think that in fixing the remuneration regard should be had to the service being one which it is the duty of the jurors to render, and which is in some measure analogous to other public duties which are necessarily performed gratuitously. We think that the remuneration should be by day and not by the cause tried, and should be confined to jurors actually serving. If remuneration is given upon this principle, it will be necessary, in order to provide a fund for the purpose, to fix a court fee to be paid by the suitors in each cause.

In this suggestion we entirely concur, with this exception (which, however, the Commissioners had no authority to make), that we consider the remuneration of the jury, equally with the salary of the judge, a payment which should fall upon the country, and not on the individual litigant. But this question was not within the scope of the commission.

The last question dealt with by the present report is the constitution of a Court of Appeal. Not, indeed, a court of last resort, for they do not propose to affect the jurisdiction of the House of Lords, or of the Queen in Council, but a court which shall be a common court of immediate appeal from all decisions of the Supreme Court. And here we may notice the observation of a contemporary, that a "Supreme Court," subject to an appeal, is a contradiction in terms—a remark which would be, perhaps, pertinent, though scarcely accurate, if the reference were to the preservation of those high tribunals of last resort, but which has absolutely no meaning at all when brought forward as an objection to the Commissioners' proposal, which is, as we understand it, that one chamber of the Supreme Court should sit exclusively to hear appeals from all the others.

The report begins by noticing the extraordinary diversity and complexity of the existing appeal system, not only as regards the tribunals to which appeal lies, but

the conditions on which it may be brought. Of the latter point the report treats at considerable length:—

"The conditions on which appeals or errors can be brought from the different courts are widely different.

To the Court of Appeal in Chancery and to the House of Lords from the Court of Chancery, an appeal lies from all orders and decrees, whether interlocutory or final, of the Courts below, and upon all questions, whether of fact or of law; except that the verdict of a jury, or of a judge exercising the functions of a jury, can only be impugned by a motion for new trial. The jurisdiction of the Court of Appeal in Chancery, or of the Master of the Rolls or a Vice-Chancellor to rehear his own decree, a practice which is also allowed, may be excluded by a formal procedure called enrolment, which takes place at the instance of any party, practically at any time within five years from the date of the decree or order enrolled, if nothing has been done in the meantime by the suitor with a view to bring the matter before the Court of Appeal. After this no error in the decree or order enrolled, except mere clerical mistakes, can be corrected by the Court of First Jurisdiction, or by the Court of Appeal in Chancery, without a new suit for that purpose, called a bill of review. The same formality, which shuts the door of the Court of Appeal in Chancery, opens to the dissatisfied suitor that of the House of Lords, which does not receive appeals from decrees or orders of the Court until after they have been enrolled. Both the Court of Appeal in Chancery, and the House of Lords, proceed upon the same record and evidence, which were before the Court from which the appeal is brought; and the Court of Appeal in Chancery, both in what are technically called rehearsals of decrees and decretal orders, and upon appeal petitions or motions, has all the powers possessed by the Court of First Instance, and can therefore allow amendments of the record, and in some cases may receive new or further evidence; which is contrary to the practice of the House of Lords.

From the Courts of Common Law to the Exchequer Chamber error lies in certain cases, and appeal in others. Error is brought, as of right, on matter of law apparent on the record, on judgments on demurrers, on bills of exceptions for the improper reception or rejection of evidence, or for misdirection by the judge at the trial, on special cases, on judgments *non obstante veredicto*, and for arrest of judgment. Appeal lies, as of right, from decisions upon points of law reserved at a trial. It also lies, but not without leave of the Court, unless the judges differ, on motions for new trial on the ground of improper reception or rejection of evidence, or of misdirection by the judge. No judgment, rule, or order is appealable which does not fall in with one or other of these classes of cases. From all judgments of the Court of Exchequer Chamber, a further appeal or error, as the case may be, lies to the House of Lords.

Among the inconveniences of this system are the following:—Error cannot be brought from any interlocutory judgment, e.g., a judgment allowing a demurrer, before the final determination of all issues of law and of fact joined upon the record. The point of law decided on the demurrer may be sufficient, if the judgment stands, to determine the whole controversy between the parties; yet if, as is commonly the case, issues of fact, as well as law, have been joined in the pleadings, it is necessary to go through the expense and delay of trying all those issues though, according to the judgment on the demurrer, they are wholly immaterial, in order to get into the Court of Error. As to bills of exceptions, the rule is that they must be tendered at the time of trial, and before verdict given, excluding all opportunity for deliberate consideration, and giving occasion to difficulties as to the proper mode of stating the terms, or substance and effect, of the judge's ruling, no bill of exceptions being admissible unless signed by the judge, and no proof of his ruling, extrinsic to the bill of exceptions itself (i.e., by shorthand note or otherwise), being allowed. The practice has been to hand in a hasty and imperfect note at the trial, leaving the bill of exceptions itself to be afterwards agreed upon by the parties, or settled by the judge. In some cases it is found difficult, in others impossible, to come to any agreement or settlement, and, whenever any difference arises, it leads to great delay and expense. The cases are so few in which the points of law really intended to be raised can be satisfactorily taken by this form of proceeding that it is of little use. The convenient mode, and that generally adopted, of raising those points, except

when the parties agree to have a special case stated, a practice attended with its own inconveniences, is either by reserving them at the trial, which depends on the leave of the judge, and the consent of the parties, or by motion for a new trial. The power of appeal when the latter mode is adopted, if the Court gives a unanimous judgment, is not of right, but depends upon the will and discretion of the Court.

When appeal is brought, the Court of Exchequer Chamber does not proceed simply upon the materials which were before the court below, but a case must be made up between the parties, which must be settled by the judge if the parties differ, and, as such difference often happens, this is apt to lead to considerable expense and delay.

Appeals lie to the House of Lords, as of right, from all final orders or decrees of the Court of Probate, whether depending on questions of law or fact only, and from all interlocutory decrees or orders of that Court, by the leave of the Court, but not otherwise.

In the Divorce Court, every decision of the Judge Ordinary, whether on law or on fact, is subject to an appeal to the Full Court, whose decision is final, except in cases of dissolution of marriage, nullity of marriage, or declaration of legitimacy, in which excepted cases only an appeal lies from sentences and final judgments of the Divorce Court to the House of Lords.

In the Court of Admiralty, as in the Court of Probate, all final sentences are appealable as of right, all interlocutory judgments are appealable by the leave of the Court only.

The rules as to the time for appealing, in the different courts, are also different.

For appeals and re-hearings in chancery, a period of five years from the date of the decree or order appealed from is allowed, after which the leave of the Lord Chancellor or Lords Justices is necessary, and such leave may be given at any time, but will only be given if it shall "appear, under the peculiar circumstances of the case, to be just and expedient."

For appeals to the House of Lords from the Court of Chancery, two years from the date of the enrolment of the order appealed from, and thenceforth until the end of a fortnight after the beginning of the next session of Parliament, are allowed; and when a final decree is appealed from, all prior interlocutory orders in the same cause, though enrolled for more than the prescribed period, may be included in the appeal.

At common law, six years from the date of final judgment are allowed for bringing error to the Exchequer Chamber, and a like period of six years for bringing error from the Exchequer Chamber to the House of Lords. In cases of appeal, as distinguished from error, in the common law courts, notice of appeal must be given within four days after the decision appealed from, unless the time is enlarged. When such notice is given, as for want of opportunity of full consideration it generally is, no time is limited within which the party must proceed to prosecute his appeal.

In the Probate Court application for leave to appeal from an interlocutory decree or order must be made within a month after the delivery of the decree or order, or within such enlarged time as the Court may direct; and it may be doubtful whether any time is limited for appealing from final decrees or orders.

In the Divorce Court, the appeal from the Judge Ordinary to the Full Court must be filed within three months from the date of the decree appealed from; and that to the House of Lords, whether from the Full Court or from the Judge Ordinary, within one month.

Appeals from the Court of Admiralty must be founded either on notice given to the registrar immediately after the delivery of the judgment, or upon a declaration, called a protocol of appeal, made before a notary and witnesses within fifteen days, and must be prosecuted by presenting a petition of appeal to your Majesty in Council within one year from the date of the sentence or decree appealed from."

Then, after a few remarks as to the security for costs, the report proceeds to recommend the abolition of all the intermediate courts of appeal and the substitution of a single appeal chamber in the Supreme Court, consisting of—

"The Lord Chancellor,  
The Lords Justices,

The Master of the Rolls, and  
Three other permanent Judges, with  
Three of the Judges of the Supreme Court to be nominated annually by the Crown;

an additional Vice-Chancellor being substituted, as a judge of first instance, for the Master of the Rolls. The Court of Appeal thus constituted should be empowered to sit either as a Full Court, or in divisions, but the number of judges sitting together in any division ought never to be less than three. The judges of the court, other than the nominated judges, should always form a majority of the court."

This part of the report is not assented to by Sir Robert Phillimore or Mr. Ayrton, but for different reasons. Sir Robert thinks that the question of ultimate appeal ought to have taken precedence of that of intermediate appeal. Mr. Ayrton thinks that too much facility of appeal is allowed. We venture to disagree with both dissentients. The erection of a really good court of immediate appeal will do more good by preventing or superseding appeals to the ultimate tribunals than would have been effected by any improvement in the constitution of those tribunals themselves, and, on the other hand, there is nothing so important for the repression of the idiosyncrasies of particular judges—an element always liable to interfere with the due administration of justice—as the existence of a readily accessible appellate court. The House of Lords is too far off, the Privy Council too expensive, to exercise that wholesome control over the courts of first instance which tends so much to preserve "continuity of justice," which is done by a Court, an appeal to which can take place at any time, involving a delay of at most a few weeks, and an expense scarcely, if at all, exceeding that of the original hearing. With another of Sir Robert Phillimore's remarks, however, we heartily concur. He says, "I think it very doubtful whether the appellate court should be comprised for the most part of judges exercising appellate jurisdiction only." So do we; so doubtful that we would not willingly assent to the creation of any such officers. The Lord Chancellor indeed, unless and until his functions are restricted to those of a "minister of justice," can not well exercise any other than appellate jurisdiction, and it would probably be advisable to appoint a chief judge in each division of the Supreme Court, who should be *ex officio* a member of the court of appeal, and should preside in every appeal from his own division; but the majority of the court should, we think, be in every case composed of judges ordinarily sitting as judges of first instance, and selected by rotation in such manner as the court should direct. We also strongly object to the proposal that the Crown should from time to time nominate judges to exercise temporarily appellate functions. This would be to reproduce (in a somewhat mitigated form, no doubt, but still in substance) the very evil for remedy whereof the Act rendering the appointment of a judge irreversible by the Crown was passed.

We think that, without any material interference with the general scheme proposed by the Commissioners, a much more satisfactory Court of Appeal could easily be devised.

It will be recollect that it is at present a part of the regular duties of the chief justices to preside at the *Nisi Prius* sittings in their several courts, and if for these sittings are substituted, as the Commissioners propose, continuous sittings of two judges, a complete scheme might be framed somewhat as follows:—The five proposed divisions of the Supreme Court would supply five chief justices, and if to these were joined six of the judges of first instance according to a rota, a court would be formed which would supply three chambers of appeal, each consisting of the chief justice of the division appealed from and two puisne judges, and leave the remaining two chiefs free to try causes at *Nisi Prius* from the general list proposed by the Commissioners, which should include all jury trials from all the divisions. The rota of puisne judges, and that of appeals, could be so accommodated that no judge

of first instance should be called upon to sit in appeal from his own division, a course which would tend to uniformity of decision.

The report then makes a number of suggestions with reference to the conduct of appeals, in all of which we fully concur, and the principal whereof are the following:—

"We propose that to this Court an appeal should lie from all judgments, decrees, rules, and orders, in suits or proceedings not strictly criminal, of any division or judge of the Supreme Court, with certain exceptions which we shall afterwards specify. It may hereafter deserve consideration, after experience of the working of the Court thus constituted, whether its decisions may not be made final, unless leave to appeal from them be given, either by the Court itself, or by the House of Lords. In the meantime, we recommend that there should be a right of appeal to the House of Lords.

A direct appeal to the House of Lords, without going through the Court of Appeal, might, we think, be allowed in all cases in which an appeal on matter of law would lie to the Court of Appeal, if the respondent consents to that course being taken, but not otherwise.

The limitations or exceptions to which we think the right of appeal ought to be subject are the following: Judgments, decrees, or orders, founded upon and applying the verdict of a jury, or the verdict of a judge discharging the functions of a jury ought not to be appealable, except upon matter of law. Interlocutory orders, if made by any division of the Supreme Court, consisting of three or more judges, should not be appealable, except in case of difference of opinion among the judges, or by special leave of the Court; and, if made by any division or judge with respect to any question of procedure or practice, as to which the Court or judge had power to make the order, should be appealable only under such regulations as may be made by General Orders. As a general rule, no appeal should be allowed as to costs only."

"No appeal should operate as a stay of execution, or of proceedings under the order appealed from, unless the Court, or a judge of the Court, from which the appeal is brought, or the Court of Appeal, shall so order. But such stay of execution should be granted, as, of course, when the order under appeal is for a money payment, on the terms of payment of the money into court, or of security being given to the satisfaction of the Court."

"Every appeal should be deemed to be in the nature of a rehearing, and the Court of Appeal should have power, if the justice of the case shall appear so to require, to allow any pleading or any special case to be amended, or any supplemental pleading or statement to be added to the record; or, upon any question of fact, to admit further evidence. Upon appeals and motions for new trial, proof of a judge's ruling by a shorthand writer's notes ought, in our opinion, to be received. Upon the hearing of the appeal the Court should have jurisdiction over the whole record, and no interlocutory order, from which there has been no appeal, should operate so as to bar or prejudice a decision upon the merits."

We fear that there is no room to hope that any practical result can follow from this report within the present year, but we trust that effective legislation in the direction thereby pointed out will not be long delayed.

#### REVIEWS.

*A Treatise on the Conflict of Laws.* By FRIEDRICH CARL VON SAVIGNY; translated by WILLIAM GUTHRIE. Edinburgh: T. & T. Clark. London: Stevens & Sons.

This volume forms a portion, complete in itself, of Savigny's System of Modern Roman Law; and although Mr. Guthrie has evidently exercised considerable self-restraint in not presenting an English version of the whole of the great jurist's work to his readers, we feel sure that he has exercised a wise discretion in contenting himself, for the present at all events, with an instalment only. "The eighth volume of the system," he says, "is a treatise on private international law or the conflict of laws, admitting of being detached from the earlier volumes without impairing its value as a legal authority, or even as a model of judicial style and reasoning." This being so, Mr. Guthrie has done well to publish it separately. His attractive volume will,

no doubt, be read by many who would have been repelled, by the magnitude of the task, from undertaking the labour of mastering the whole of the system. Such a publication of the whole, the translator mournfully admits, would almost certainly have been "a commercial failure," so few in this country addict themselves to the study of scientific jurisprudence, nor could much literary or any professional credit be hoped from it.

What is the reason, it may be asked, of the neglect among English lawyers of the science of the law? It is unfortunately true that not one in a thousand pays the slightest attention to it, and yet there is no want of capacity in our profession. Probably an explanation may be found in the history and present condition of English law. The Roman law is, for practical purposes, of very little use, and we are eminently a practical people. Of course, a knowledge of the great principles which underlie every legal system will never be without its value, but the direct bearing of Roman law upon our own is somewhat remote. It is otherwise on the continent of Europe, and, indeed, in America. The French Code is framed on the maxims and principles of the Latin text writers; and the law which prevails in various forms in Austria and Prussia is really, speaking roughly, nothing but Roman law adapted to a modern and complicated civilization. Hence, therefore, Frenchmen and Germans have an incentive to their study of the digest and the codes which we have not, and this circumstance alone will account for our comparative ignorance, without resorting to the theory of the late Mr. Phillimore that the Anglo-Saxon mind is incapable of systematic thought on abstract legal principles. Matters, moreover, are mending. The teaching and writing of Mr. Maine have done much of late years to make Roman law popular, whilst the excellent English edition of the Institutes and the interesting "Studies on Roman Law" by Mr. Guthrie's fellow-countryman, the late Lord Mackenzie, have now furnished every student with an easy introduction to a subject, the great and peculiar importance of which, especially at a time when we are about to re-construct our antiquated methods of procedure and practice, none can doubt.

Savigny, indeed, went so far as to regard the knowledge of Roman law as the key to law reform. In the preface to the first volume of his system, which Mr. Guthrie has prefixed to this translation of the eighth, he writes thus:—"If the radical evil of the present state of the law consists in a growing separation between theory and practice, the remedy must be sought only in the restoration of their natural unity. For this purpose the Roman law rightly used, may render the most material service. In the Roman jurists that natural unity is seen still undisturbed in the most lively operation." It was this conviction which induced him to undertake his system, the contents and character of which we now proceed, with the assistance of Mr. Guthrie's introduction, to indicate. Like the greatest works of so many great authors, it was conceived on such a scale and commenced at such an advanced period of the writer's life as to render its completion on the original plan impracticable. But although in one sense fragmentary, it is in reality an independent and finished work, and was regarded in that light by Savigny himself. (See preface to vol. 8, p. 4).

The subject of the system is modern Roman private law, into the sources of which, and of law in general, an introductory inquiry is instituted, occupying the first book. The conclusions arrived at will not now seem so strange to an English student as they would previous to the publication of Mr. Maine's "Ancient Law," where the functions in the history of law, filled by usage, equity, and legislative enactment, were accurately explained. The second book is entitled "legal relations," and contains a classification of them, resulting in a division of the system into four principal sections—the Law of Things, the Law of Obligations, the Law of the Family, and the Law of Succession. "Instead, however, of entering at once on the exposition of these various departments, the author finds himself in the midst of a 'general part' of the system. . . . In a comprehensive survey of the legal institutions he finds many subjects which recur, possibly with some modifications in each." Among these he enumerates the subjects of rights, the origin and extinction of legal relations, and the protection of rights from violation; and accordingly, to avoid repetition, he includes in this second book, or "*pars generalis*," elaborate treatises on the "person" in its legal sense, on the capacity to act, on juridical acts—*i.e.*, acts to which the law attaches

significance, and on remedies. The closing portion of the treatise on remedies fills the volume which Mr. Guthrie has translated. It differs materially from what has preceded it. As Savigny points out, the influence of the Roman law is less conspicuous, and moreover, from the peculiar nature of the subject, the theory presented is, in comparison with others, in a state of growth—complete and unfinished. The matter contained in it is divided into two chapters, the first being on the local limits of the authority of the rules of law over the legal relations, and the second on the limits of that authority in point of time. Our readers will easily understand the variety of topics which require discussion under these two heads of time and place. Beginning with the local limits, the writer first inquires what are the principles which connect a person with a defined territory. This leads to a section on the question of race and "territoriality" as a ground of the subjection of a person to a particular positive law; and it is shown that in modern times geographical and not personal considerations form, generally speaking, the basis of a community of laws. Having settled this point, the problem to be solved is thus stated: "what territorial law is applicable in any given case?" The answer will depend on the *origin* (*origo*) or *domicile* of a person. These or, speaking of modern Roman law, the latter fix his territory and the territory fixes the law he has to obey. But this principle alone is not sufficient for a complete solution. A "person" may be regarded in the abstract, or as entering into a wide circle of acquired rights, as the possessor of these rights, and thus, it may be, coming under the authority of the most various laws. Accordingly the 1st chapter proceeds to discuss the connection between local law and (1) *status* (capacity to have rights and capacity to act); (2) the law of things; (3) of obligations; (4) succession; and (5) family law (domestic relations), *viz.*, marriage, paternal power and guardianship. The same order of treatment is adopted in the second chapter, where the limits in time of the authority of legal rules are considered.

Our space is exhausted, but we must not forget to add that Mr. Guthrie has enriched his translation with some valuable notes. We hope he will meet with a reception for his work sufficiently encouraging to induce him to undertake the more important task which he evidently contemplates.

## COURTS.

### COURT OF CHANCERY.

STATEMENT OF THE NUMBER OF CAUSES, PETITIONS, &c., disposed of in Court in the week ending Thursday, April 29, 1869.

L. C.		L. J.		M. R.		V. C. S.		V. C. M.		V. C. J.	
AP.	AP.M.	AP.	AP. M.	C.	P.	C.	P.	C.	P.	C.	P.
0	0	1	7	15	22	5	11	7	16	8	13

### COUNTY COURTS.

#### LAMBETH.

(Before REGINALD CUST, Deputy Judge.)

April 27.—*Booth v. Mitchell and Mitchell v. Booth.*

A landlord let a house and land, a portion of the land being already let to another tenant under an agreement for a term. The landlord stipulated that the new tenant should accept the existing tenant and receive the rent from him, at the same time being responsible for the whole rent.

Held, that on the termination of the tenancy of the whole the original tenant of a portion became a tenant at will, and was liable to ejectment without notice.

These were cross actions, the first being for the recovery of possession [of a piece of land at Camberwell, and for mesne profits. It appeared that the plaintiff, many years ago, let a portion of the land attached to his house to the defendant under an agreement for the purposes of his business of a florist. Plaintiff afterwards let the house and land, including the defendant's portion, stipulating that he should remain and pay his rent to the new tenant. This arrangement was carried out, and there were several renewals of the tenancy of the whole to other tenants on the same terms. There had been intervals in these tenancies

when the house was unoccupied, and the landlord had resumed receiving the defendant's rent. The agreement had, in the meantime expired, but the plaintiff had since let the whole premises on the same terms as before. Last year, however, the plaintiff had an opportunity of letting the premises to advantage, if the whole could be had, and plaintiff had therefore, without notice, forcibly ejected the defendant, with as little violence as possible, according to plaintiff's version of the story; but in such a manner as to render medical advice and cessation from labour necessary, according to the defendant's version. The defendant had afterwards resumed possession, and this action had therefore been brought to eject him.

*Laxton*, for the plaintiff, contended that when the agreement terminated the defendant became a mere tenant at will, and, although, perhaps, in strictness the plaintiff had no right to take the law into his own hands and forcibly turn the defendant out, he had a right to possession by process of law without giving any notice.

Mr. *Ody*, for the defendant, contended that his client was a yearly tenant, and was entitled to notice accordingly. He had been a yearly tenant to the successive occupiers of the house, and had paid rent to them as such. They would have been bound to give him notice before they could have got rid of him, and if the plaintiff's tenants would have been bound to give defendant notice, the plaintiff himself was not absolved from that obligation.

Mr. *Cust* said he must take the view of law taken by the learned counsel for the plaintiff. On the expiration of the agreement the defendant became a tenant at will, and by the fact that he had been transferred from one tenant to another, apparently as part of the live stock, without consulting him at all, his character of tenant at will had not been altered. The judgment would therefore be for the plaintiff on both counts—for the mesne profits claimed and for possession.

The second action had been commenced in the Court of Common Pleas, but had been sent under section 10 of the County Court Act 1867, to be tried in this court. It was a claim for £200 as damages sustained by the plaintiff personally in being ejected, and injury done to his property through the defendant's trespass.

Mr. *Cust* said the defendant had no doubt acted unlawfully in ejecting the plaintiff, but the injury appeared to be so small that he should assess the damages at 5s.

*Stimpson v. Turrell  
Change of Attorney.*

In this case Mr. Hicklin appeared for the plaintiff, and was objected to on the ground that he was not the attorney who had been previously acting for the plaintiff.

*W. Wright*, for the defendant, said his client had received letters from Mr. Priest, as plaintiff's attorney, and now Mr. Hicklin appeared in that capacity. Notices had been served on Mr. Priest to produce certain documents. He did not appear to produce them, and Mr. Hicklin knew nothing about them. If changes like this were permitted very serious evils might result.

Mr. *Cust* said Mr. Hicklin was the only attorney known to the Court in the matter. The summons was not issued by an attorney, and up to the calling of the cause no attorney appeared. Mr. Hicklin then appeared and must be taken to be the attorney acting in the matter, as he had been engaged by the plaintiff. If, however, anything turned upon the missing documents, he (Mr. Cust) would adjourn the case to enforce the production of them.

The case was a dispute about a party wall, and a jury had been summoned. The result was a nonsuit, so that the documents were not wanted.

**APPOINTMENTS.**

Mr. HENRY PENDOCK ST. GEORGE TUCKER, Puisne Judge of the High Court of Bombay, has been appointed a member of the Executive and Legislative Councils of that presidency, in the room of Mr. B. H. Ellis, who has been promoted to a seat in the Council of the Governor-General and Viceroy of India. Mr. Tucker entered the Bombay Civil Service in 1843, and has filled various judicial offices in Western India. While on furlough in England about ten years ago he commenced a course of legal studies, and was called to the Bar at the Inner Temple in November, 1861. On the establishment of the High Court of Bombay on an

enlarged basis in 1862 Mr. Tucker was appointed one of the Civilian Judges, which office he has held down to the present time. The vacancy caused by his promotion to a seat at the Council Board will be filled by a member of the Bombay Civil Service, which shares with the English Bar the puisne judgeships of the High Court.

Mr. LYTTELTON HOLYOAKE BAYLEY, Advocate-General at Bombay, has been appointed a Puisne Judge of the High Court of Judicature of that presidency, to fill the vacancy caused by the retirement of Sir Joseph Arnould. Mr. Bayley is the younger son of Sir John Edward George Bayley, Bart., of Updown House, Kent, a barrister-at-law, and Clerk of Assize to the Northern Circuit, by his first wife, Charlotte, daughter of J. M. Fector, Esq., of Kearnsey Abbey, Kent. He is therefore a grandson of the late Right Hon. Sir John Bayley, an eminent lawyer, who was for many years a Judge of the King's Bench, and subsequently a Baron of the Court of Exchequer. Sir John Bayley was knighted in 1808, and was created a baronet on his retirement from the bench in March, 1834. He died in October, 1841. An uncle of the new Bombay judge is Francis Bayley, Esq., Judge of the Westminster County Court, a younger brother of the present Sir John Bayley. Mr. Holyoake Bayley was born in 1826, and was called to the bar at the Middle Temple in May, 1856; he practised for some time at Melbourne, but afterwards proceeded to Bombay, where he was appointed clerk to the Legislative Council of that presidency on its formation about five years ago. On the death of Mr. A. J. Lewis, the Advocate-General of Bombay, Mr. Bayley was appointed to succeed him, and by virtue of his office occupied a seat in the Legislative Council. A legal contemporary last week stated that Mr. Bayley's elevation to the bench was almost the only instance of a member of the local bar in India being so promoted, but several cases of the kind may be cited. Both Sir Lawrence Peel and Sir James Colville filled the office of Advocate-General at Calcutta previous to their promotion to the bench of the court in which they pleaded, and Sir Henry Roper was clerk of the Crown at Bombay, and therefore a member of the local bar, before becoming a judge of the Supreme Court. A still more recent case in point is that of Judge Westropp, who practised at the Bombay bar, and was appointed a judge of the High Court on its establishment with an enlarged jurisdiction in 1862. Judge Bayley married, in May, 1852, Isabella, eldest daughter of Anthony Mactier, Esq., of Durris House, Kincardineshire, by whom he has a family.

Mr. WILLIAM JARDINE, barrister-at-law, has been appointed to the newly-created post of Advocate to the Government of the North-Western provinces of India. Mr. Jardine was called to the bar at the Middle Temple in January, 1866, and for a few years past has filled the chair of Government Professor of Law in the college of Allahabad, the seat of the Government to which he has now been appointed legal adviser.

Mr. FRANCIS J. HEADLAM, of the Northern Circuit, has been appointed Stipendiary Magistrate for Manchester in the room of Mr. Robinson Fowler, resigned. Mr. Headlam was called to the Bar Nov. 17, 1858.

Mr. HENRY GEORGE PRICHARD, of the firm of Boyson, Brockman, & Prichard, has been appointed to officiate as Solicitor to the Government of Madras, during the absence of his partner, Mr. H. J. Brockman, on leave.

Mr. HENRY UNDERHILL, Solicitor, of London and Wolverhampton, has been elected Town Clerk of the latter borough, in the place of Mr. E. J. Hayes, now Town Clerk of Birmingham. Mr. Underhill was certificated as an attorney in Michaelmas Term, 1847, and is a member of the London firm of Underhill & Field, of New-inn, Strand, and also of Wolverhampton. On the election of Mr. Underhill to the town clerkship, his younger brother, Mr. J. E. Underhill, who is in partnership with him, tendered his resignation of the office of town councillor, which was accepted without the payment of the usual fine.

Mr. A. H. JACKSON, solicitor, has been appointed Registrar of the County Court of the Malton district, in Yorkshire, in the room of Mr. W. R. Wilson, resigned.

Mr. HENRY NICOL, of No. 88, Queen-street, Cheapside, has been appointed a Perpetual Commissioner for taking the acknowledgments of deeds by married women in and for the City of London, also in and for the counties of Middlesex and Surrey, and the city and liberties of Westminster.

Mr. WILLIAM TRYTHALL, of Penzance, Cornwall, has been appointed a Perpetual Commissioner for taking the acknowledgments of deeds by married women in and for the county of Cornwall.

Mr. M. H. JACOBS, of Budge-row, has been appointed a London Commissioner to administer oaths in chancery and common law.

### GENERAL CORRESPONDENCE.

Sir.—With reference to the letter of Mr. Timpron Martin, of Liverpool, in your journal of the 17th inst., in which he complains that in the *Law List* of the present year his name is inserted as of Manchester instead of Liverpool, I have to state that in the usual printed form, filled up and delivered into my office on application for his stamped certificate, Mr. Martin is described as practising at Manchester, and the insertion of that place was therefore made in accordance with that description.

Perhaps some of the "many errors in this year's *Law List*" which you state you have noticed may be traced to a similar cause.

J. M. DALBIAC, Registrar of Stamped Certificates.  
Inland Revenue, Somerset House,  
30th April, 1869.

### IRELAND.

The Council of the Incorporated Law Society have called a meeting of that body for Tuesday next, to consider the order made by the Court of Common Pleas in reference to Mr. James Barry.

Mr. S. W. Flanagan, Q.C., has, we believe, accepted the office of Judge of the Landed Estates Court, vacant by the death of Judge Dobbs.

### PARLIAMENT AND LEGISLATION.

#### HOUSE OF LORDS.

April 22.—*Increase of the Episcopate Bill*.—Lord Lyttelton moved the second reading of this bill. The motion was lost by a majority of twenty-three, the numbers being forty-three to twenty.

April 23.—*The Lands Clauses Consolidation Bill*.—On the motion of Lord Halifax this bill was read a second time.

April 26.—*The Sea-Birds Preservation Bill* was read a second time.

*Ecclesiastical Courts*.—Upon the motion for the nomination of the Select Committee on the Ecclesiastical Courts Bill and the Clergy Discipline and Ecclesiastical Courts Bill as follows:—The Archbishop of Canterbury, the Archbishop of York, Earl de Grey, the Marquis of Salisbury, the Earl of Shaftesbury, the Earl of Portsmouth, the Earl of Carnarvon, Earl Beauchamp, Lord Halifax, the Bishop of Oxford, the Bishop of Ripon, the Bishop of Gloucester and Bristol, Lord Portman, Lord Westbury, and Lord Cairns.

Earl Nelson objected to the great number of spiritual peers on the Committee, and also to the omission of the name of the noble and learned lord on the woolsack.

The Committee was then nominated.

*Tenure Ireland Bill*.—The Committee on its bill was fixed for Tuesday, May 25th.

*The Norfolk Island Bishopric Bill* was read a second time.

*The Courts of Law Commission (Scotland)*.—In reply to Lord Minto the Earl of Morley said that not sufficient evidence had been received to make it worth while to print a separate report.

April 27.—*Life Peerages Bill*.—Lord Russell moved the second reading of this bill.

A discussion of considerable length took place, in which Lord Derby, Lord Granville, Lord Malmesbury, Lord Russell, Lord Cairns, Lord Denman, and Lord Feversham took part.

The second reading was assented to without a division.

*Representative Peers for Scotland and Ireland Bill*.—Lord Grey moved the second reading of this bill.

The Duke of Buccleugh moved an amendment that a Select Committee be appointed to consider the state of the representative peerage of Scotland and Ireland, and the laws relating thereto.

The Duke of Argyll, Lord Airlie, Lord Granville, and Lord Grey spoke in favour of the second reading.

Lord Portarlington, Lord Cairns, Lord Salisbury, Lord Leitrim, Lord Denman, and Lord Colchester, opposed it.

On a division the second reading was lost by a majority of 44, the numbers being 77 to 33.

The amendment that a Select Committee be appointed to consider the state of the peerage of Scotland and Ireland was then agreed to.

*The Norfolk Island Bishopric Bill* passed through committee.

*The Militia Bill* was read a second time.

April 29.—*Ecclesiastical Dilapidations Bill*.—The Archbishop of York moved the second reading of this bill.

Lord Portman suggested that the bill should be withdrawn, and that the most rev. prelate should substitute for it the measure recommended by the Select Committee which sat upon the subject in 1862, under the presidency of Lord St. Leonards.

This suggestion was adopted.

*The Government of India Bill* was read a second time.

*The Park-gate Chapel Marriages, &c., Bill* was read a second time.

*The Norfolk Island Bishopric Bill* was read third time and passed.

*The Militia Bill* passed through committee.

### HOUSE OF COMMONS.

April 22.—*The Borough of Cashel*.—The Attorney-General for Ireland gave notice that he would, at an early day, move an address for the appointment of a commission to inquire into the existence of corrupt practices in the borough of Cashel.

*Remissions of Capital Punishment*.—In reply to Sir G. Jenkinson,

Mr. Bruce explained that, excluding cases of child murder, the number of capital sentences passed since he came into office had been eleven. Of these sentences six had been carried out. As to the other cases, he stated the grounds on which, in each case, the prisoner had been respite. In one case two men were convicted, but one of them was clearly innocent, and so received a free pardon; the other was insane, and so his sentence was commuted. The third man respite was, in the opinion of the judge, wrongly convicted. In the next case the sentence was commuted to penal servitude for life, on the recommendation of the judge. The last case was that of Wiltshire, in which the same course was taken on the recommendation of the judge and ten of the jury.

*Irish Church Bill*.—Clauses 14 to 17 passed through committee.

*Newspapers, &c. Bill*.—This bill passed through committee.

*Militia Bill*.—This bill passed through committee.

*The Local Government Supplemental Bill* was read a second time.

Mr. Ayton obtained leave to bring in a bill for amending the law relating to copyright, so far as regards the delivery of periodical publications at the British Museum.

Mr. Whalley obtain leave to bring in a bill for the amendment of the Railway Construction Facilities Act of 1864.

*Married Women's Property Bill*.—The following members were appointed to form the Select Committee on this bill:—Mr. Lowe, Mr. Cross, the Solicitor-General, Mr. Ampllett, Mr. Headlam, Mr. Scourfield, Mr. Shaw Lefevre, Mr. Lopes, Sir John Simeon, Mr. Bentinck, Mr. Jessel, Mr. Jacob Bright, Mr. Pemberton, Mr. Dowse, and Mr. Russell Gurney.

April 23.—*Irish Church Bill*.—Clauses 18 to 23 were carried through committee.

*The Naval Stores Bill* was read a second time.

*Church Temporalities (Ireland) Commissioners*.—In committee Mr. Gladstone moved a formal resolution on which to found the financial clauses of the Irish Church Bill. It was unanimously agreed to.

*Salmon Fisheries (Ireland) Bill*.—The Lords' amendments were brought up and agreed to.

*The Militia Bill* was read a third time and passed.

April 26.—*Irish Church Bill*.—Clauses 24 to 27 passed through committee.

*The Naval Stores Bill* passed through committee.

*Inclosure Act Committee*.—Mr. Fawcett nominated the Select Committee on the Inclosure Act as follows:—Mr.

W. Cowper, Sir M. H. Beach, Mr. Knatchbull-Hugessen-Colonel Barttelot, Mr. V. Harcourt, Lord G. Hamilton, Mr. T. Chambers, Mr. Knight, Mr. L. Gower, Mr. Liddell, Mr. Pease, Mr. W. Lowther, Mr. A. Johnston, Mr. Walsh, Mr. P. Wykeham-Martin, Mr. Peek, and Mr. Fawcett.

April 27.—*The New Law Courts.*—In reply to Mr. Gregory,

Mr. Layard stated that the Government had finally decided to propose to the House a plan for the erection of the New Law Courts on the site mentioned by the Chancellor of the Exchequer on Tuesday last, the site comprised between Somerset-house and the Temple, bounded on the south by the Thames Embankment, and on the north by Howard-street and several small alleys and passages connecting that street with the Temple and King's College. This site would furnish six acres of building ground. He would introduce very shortly—if possible, before Whitsuntide—a bill which, should the House think fit to pass it, would enable the Government to proceed without delay to acquire the proposed site, and to commence the erection of the Law Courts upon it. He had received a communication from the Chief Baron of the Exchequer, Sir Fitzroy Kelly, stating that he and all the judges with whom he had communicated, except one, are of opinion that upon every ground, as regards the Bench, the Bar, the solicitors, the suitors, and the public, the Thames Embankment should be preferred for the site of the Law Courts.

The *Beehive, &c.*, Bill was read a second time.

The *Merchant Shipping (Colonial) Bill*, and the *Colonial Prisoners Removal Bill* passed through Committee.

April 28.—*Imperial Gas Bill.*—On the motion of Mr. Morrison this bill was referred back to the select committee with a view to the insertion of clauses providing for the better auditing of accounts.

The *Evidence Amendment Bill* was read a second time; as was also the *Ecclesiastical Titles Repeal Bill*.

April 29.—*Irish Church Bill.*—Clauses 27 to 29 passed through committee.

The *Pharmacy Act (1868) Amendment Bill* passed through committee.

The *Cashel Election*.—On the motion of the Attorney-General for Ireland, an address, praying for a Royal Commission, consisting of Mr. Waters, Q.C., Mr. Molloy, and Mr. William Griffin, to inquire into corrupt practices in the borough of Cashel, was agreed to.

## SOCIETIES AND INSTITUTIONS.

### THE SOLICITORS' BENEVOLENT ASSOCIATION.

The twenty-second half-yearly general meeting of the members of this Association was held on the 21st April, at the Law Institution to receive the half yearly report of the directors, and for the transaction of other business. Mr. J. S. Torr, in the chair.

The Secretary (Mr. Eiffe) having read the notice of meeting and the previous minutes—

The report, which was as follows, was taken as read:—

The directors, in presenting to the general meeting their twenty-second half-yearly report, have much pleasure in offering their congratulations to the members on the steadily continuing upward progress of the Association.

Called into existence eleven years ago, it has already enrolled as members nearly 2,000 solicitors, who have thus united themselves, under the influence of a common sympathy, into a brotherhood for alleviating the pressure of misfortunes and reverses to which the members of their anxious and laborious profession are exposed.

And in this period of eleven years the Association, besides affording timely assistance in money grants to many unfortunate members of the profession, or their widows and families, has been able to accumulate and invest upwards of £15,000, principally from life subscriptions and donations, the income of which is permanently available for the benevolent objects of the association.

The directors avail themselves of this opportunity to acknowledge the obligations of the Association to those members of the Bench and the Bar who have given generous expression to their sympathy and approval by numerous donations to its funds.

The directors have especial pleasure in mentioning that they have received from the late Lincolnshire Law Society the further sum of £642 11s. 9d., in completion of their very

munificent gift of £1,010 1s. 9d., announced in the last report.

The Honourable Society of Clement's-inn has made a liberal donation of ten guineas, and has become an annual subscriber of two guineas in addition.

The Somerset Attorneys' Club also has become an annual subscriber of two guineas.

Some of the early friends and supporters of the Association may perhaps have expected that the advantages of an institution like this being so manifest, and its objects so worthy, it would ere this have been joined by a far larger portion of the 10,000 solicitors of England and Wales; but experience teaches that such institutions require time for their full development, and the directors entertain a confident expectation that in each succeeding year the Association and its beneficent working will become better known, and that the number of its supporters will steadily increase. All that is necessary to this end is, that they who already know and appreciate its benevolent purposes should not relax in their efforts to induce their friends in the profession to join it.

The directors have had great satisfaction in observing how much good may be effected by the earnest and judicious efforts of individual members in their respective localities; and they cannot permit themselves to doubt that, where those efforts are made, the result will be such as to satisfy the most sanguine friends of the Association.

A copy of the society's reports for the past year has been recently sent to each member of the profession throughout the kingdom, and the directors believe that if these be followed by personal application, a large accession of members will certainly be secured.

Short as has been the period of the Association's existence, two of the early life members have already been compelled by misfortune to seek the aid of the Association, and the directors have had the satisfaction of responding to their appeals in a manner which has elicited warm expressions of thankfulness.

The number of new members admitted since October last is 93, of whom 18 are life and 75 annual members. The aggregate number of members enrolled is now 1,984, of whom 706 are life, and 1,284 annual members. Twenty-four life members are also annual subscribers.

The usual audited financial abstract is appended, from which it will be seen that the receipts during the half-year, including the balance of £618 8s. 4d., from the previous account, have amounted to £2,549 17s. 8d.

During the half-year, the sum of £300 has been expended in purposes of relief. Of that amount the sum of £245 has been applied in grants of assistance to members and widows of members, and £55 in alleviating the necessities of families of deceased members of the profession, who were *not* members of the Association.

In dispensing the bounty of the society the directors are careful to observe a main principle of its constitution which is—to give prior consideration to the claims of its own members and their families.

The sum of £1,300 has been added to the invested fund in the purchase of India Four per Cents., and the present funded capital of the society now consists of £3,000 8s. 1d. India Four per Cent.; £7,803 17s. 8d. India Five per Cent., and £5,071. 6s. 4d. Three per Cent. Consols, producing together annual dividends amounting to £646.

A balance of £184 18s. 11d. remains to the credit of the Association at the Union Bank of London, and a sum of £15 is in the secretary's hands.

The directors regret to have to record the death since the last general meeting of an active and esteemed colleague, Mr. Charles Augustin Smith, of Greenwich, and the retirement of another colleague, Mr. Charles Fletcher Skirrow, of London. These vacancies in the direction have been filled by the appointment of Mr. Park Nelson, of London, and Mr. Joseph Dodds, M.P., of Stockton-on-Tees.

Upon the death last year of the esteemed chairman, Mr. Anderton, the directors passed a resolution, that it was expedient that thenceforth the offices of chairman and deputy-chairman should be filled from year to year alternately by a London and provincial director, so that in each year one of those offices should be filled by a London and the other by a provincial director; and in accordance with that resolution, the office of chairman is filled during the present year by Mr. Edward Banner, of Liverpool, and that of deputy-chairman by Mr. William Strickland Cookson, of London. The directors believe that this reciprocal inter-

change between town and country will be of advantage to the general interests of the society.

Referring in their report of October last to donations and bequests received by the society during the previous half-year, the directors stated that they had under consideration the expediency of empowering the board to confer honorary life memberships upon the executors of benefactors of the society. In conformity with that intimation, the directors propose an addition to rule 4, the nature of which has been set forth in the notice of this meeting, and the meeting will be asked to consider it.

The directors have the gratification to announce that the Right Hon. the Lord Justice Sir Charles Jasper Selwyn has kindly accepted their invitation to preside at the 9th Anniversary Festival of the Association, which will take place on Wednesday the 9th of June, at Willis's Rooms, St. James's. Sixty-one gentlemen have already taken upon them the office of stewards, and the secretary will be glad to receive additional names.

Much remains to be accomplished before this institution can be deemed to have fully occupied the wide field over which it is destined to spread its operations; and the directors earnestly appeal to every member of the society to become within his immediate locality an active advocate of its claims upon his brethren. By a hearty and general co-operation the institution may be placed on a still more substantial and permanent basis, and rendered pre-eminently worthy of the profession.

(Signed on behalf of the board)

EDWARD BANNER, Chairman.

The report and statement of accounts having been adopted, the following addition to rule 4 was agreed to:—"The board may (if it deems fit) admit to the privilege of honorary life membership any attorney, solicitor, or proctor (not already a life member), through whom, in the capacity of an executor or administrator with the will annexed, a bequest or donation of the value of £50 or upwards, shall be paid to the funds of this society." It was announced, however, that this resolution was invalid, owing to there not being a sufficient number of members present to form a quorum; and the secretary was instructed to give fresh notice for the ensuing general meeting.

After the usual votes of thanks were passed, the meeting separated.

#### METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

PROCEEDINGS at the Twenty-second Annual General Meeting held at the Incorporated Law Society's hall, on Wednesday, April 21st, 1869. Mr. Edward Lawrance in the chair.

The Secretary read the report and the annual balance sheet.

Resolved.—1. On the motion of the Chairman, "That this Association extremely regrets to observe the announcement of the Chancellor of the Exchequer in last night's debate of his intention to recommend the Government to suspend all further proceedings towards the erection of the Courts of Justice on the Carey-street site. That this Association deprecates the threatened recall of the Royal Commission, thus depriving the public, at this juncture, of the services of the eminent members of that body: and also deplores the great delay which a change of site would involve in providing proper courts and offices for the transaction of the legal business of the nation. That the report of the committee of management be adopted, and that it be printed and circulated in the usual way."

Resolved.—2. On the motion of Mr. N. Gedye, seconded by Mr. W. J. Fraser, "That the cordial thanks of the Association be presented to the committee of management for their labours during the past year."

Resolved.—3. On the motion of Mr. Avison, of Liverpool, seconded by Mr. Stephen Williams, "That the members of the Association (p. 3 of the report) be elected chairman, deputy-chairmen, and members of the committee of management for the ensuing year."

Resolved.—4. On the motion of Mr. E. Benham, seconded by Mr. C. F. Tagart, "That the best thanks of the Association be presented to Mr. J. Morris, and Mr. C. A. W. Smith, of Greenwich, for their services as auditors, and that they be requested to accept the same office for the ensuing year."

Resolved.—5. On the motion of Mr. J. S. Storr, seconded by Mr. W. J. Fraser, "That the best thanks of the Association be presented to the council of the Incorporated Law Society

for the cordial co-operation they have afforded to the committee of management during the past year, and for their courtesy in lending one of their rooms for the purpose of this meeting."

Resolved.—6. On the motion of Mr. Street, of Manchester, seconded by Mr. Avison, "That the best thanks of this meeting be presented to Mr. Edward Lawrance, for his services during the past year, and for his able conduct in the chair this day."

The meeting concluded with a vote of thanks to the secretary, which was moved by the Chairman, and seconded by Mr. Street.

PHILIP RICKMAN, Secretary.

#### LAW STUDENTS' DEBATING SOCIETY.

At the meeting of this society at the Law Institution, Chancery-lane, on Tuesday evening last, Mr. Austin in the chair, the question discussed was, "A bill of exchange was drawn in France upon and accepted by A. in London. The bill was endorsed in France but not so as to convey to the indorsee according to the French law any property in or right to sue upon the bill there in his own name. Is A. liable to an action in this country at the suit of the indorsee?" Mr. Hargreaves opened in the affirmative, and the society so decided by a majority of eight. Two new members were elected.

#### LIVERPOOL LAW STUDENTS' DEBATING SOCIETY.

The eighth meeting of the session was held on the 16th April, Mr. Temple presiding. The subject for discussion was No. 24 legal:—"A. contracted with B. to supply and erect machinery in B.'s warehouse for a fixed price, payable when the contract should be completed. After part had been supplied and erected the warehouse and machinery were destroyed by fire. Is A. entitled to anything from B?" Mr. S. B. Smith opened in the affirmative, but the question was ultimately carried in the negative by a large majority. A committee was appointed to consider the rules.

#### BIRMINGHAM LAW STUDENTS' SOCIETY.

An ordinary meeting of this Society was held on Wednesday evening, the 28th ult., under the presidency of Mr. Edward L. Lyndall (in the unavoidable absence of Mr. J. P. Yeatman). There was a good attendance of members, and the point for discussion was—On the purchase of freehold land by A. B., he entered into a covenant in his conveyance with the vendor, his heirs and assigns, that "he, A. B., his heirs or assigns, would not at any time thereafter carry or permit to be carried on upon the said land the trade or business of a publican, or any other business which might be a nuisance or an annoyance to the vendor, his heirs or assigns, or to the neighbourhood." C. D. purchased the property from A. B., with notice of this covenant. Is the covenant binding on C. D. in equity? *Keppell v. Bailey*, 2 Myl. & Keen, 517; *Ackroyd v. Smith*, 10 C. B. 689; *Whitman v. Gibson*, 9 Sim. 196; *Mann v. Stevens*, 15 Sim. 377; *Talk v. Moxhay*, 2 Phil. 774, 11 Beav. 571; *Western v. McDermot*, 15 W. R. 265; *Keates v. Lyon*, L. R. 4 Ch. App. 218. Which, after a good debate, was, almost unanimously, decided in the affirmative.

#### LAW STUDENTS' JOURNAL.

#### EXAMINATIONS AT THE INCORPORATED LAW SOCIETY.

The final examination of gentlemen applying to be admitted as attorneys took place on the 27th and 28th inst., at the hall of the Incorporated Law Society, Chancery-lane, London.

The examiners were, the Master W. F. Pollock of the Court of Exchequer, Mr. Cookson, Mr. Hollams, Mr. Upton, and Mr. Gregory.

#### QUESTIONS.

#### I.—COMMON AND STATUTE LAW AND PRACTICE OF THE COURTS.

1. A. buys a horse of B., and pays for it by a bill of exchange—the horse proves unsound, and is resold at a less price by A. Is this any defence to an action on the bill of exchange brought by B. against A.?

2. What essential right must the plaintiff in ejectment possess as to the land sought to be recovered, and what step must be taken before action in the cases respectively of a tenancy from year to year and a tenancy at will?

3. What fixtures may a tenant (under no special covenant) remove, and at what time?

4. Under what circumstances may actions for malicious prosecutions, &c., brought in the Superior Court, be remitted to the county court? (30 & 31 Vict. c. 142, s. 10.)

5. What is the meaning of "costs in the cause," and of "costs in any event?"

6. What is the limit of the jurisdiction of the county courts where title comes in question?

7. How are the costs of the cause apportioned when the plaintiff takes out of court money paid in by the defendant, in respect of a particular sum or cause of action, but who goes on for more, and is defeated as to the residue of his claim?

8. What is the rule as to allowing applications to set aside process or proceedings on the ground of irregularity?

9. State the cases in which a defendant has the right of set-off, and when not?

10. Define a simple contract, and state its essentials at common law.

11. X., Y. and Z. are sued jointly on a promissory note, and judgment recovered against X. alone. They are also sued with the like result, for breaking and entering a house; has X. a right to contribution from his co-defendants in either case?

12. What is the rule at common law as to interest on a debt, in the absence of any agreement to pay interest?

13. Smith obtains judgment against Brown, to whom Hobbs is indebted. How can Smith obtain the benefit of this debt?

14. When does distress for rent lie?

15. What is the rule for reckoning days not expressed to be clear days?

## II.—CONVEYANCING.

1. Some kinds of personal estate may, and some may not be bequeathed to endow a hospital. Mention one which may, and one which may not, be so bequeathed?

2. Land held for an estate in fee-simple is devised to A. for life, and after his death to the heirs of his body, and he has a son who is a minor. Can the estate in fee during the life of A. and the minority of his son be vested in a pur-chaser, and if so, how and by whom?

3. What is necessary to the validity of a conveyance of a fee simple estate in land for the endowment of an almhouse?

4. Land held for an estate in fee simple is devised to A. for life, with remainder to his first and other sons, successively in tail general. A. enters into possession and dies, and B. his eldest son succeeds him and dies, and B.'s eldest son C. succeeds. Do all, or any, and which of these persons A. B. and C. take by purchase or by descent?

5. Land is devised to the use of A. and his heirs in trust for B. and his heirs. A. disclaims the devise. In whom are the legal and equitable estates respectively vested?

6. An estate in fee simple in land is conveyed in mortgage to A. who dies intestate. How can the land be vested again in the mortgagor discharged from the mortgage?

7. A woman, owner of an estate in fee simple in land, marries and has children. What estate or interest in the land has the husband during her life and after her death?

8. A. having purchased land for an estate in fee simple, dies intestate, leaving a son B., and a daughter C. by his first wife, and a son D. by his second wife. B. dies intestate and unmarried. Who is entitled to the land on the death of B., and why?

9. A., an only child, became possessed of land for an estate in fee simple, as the heir at law of his mother—B. also an only child, became possessed of land for an estate in fee simple under his mother's will. A. and B. both die intestate and unmarried, each leaving an only brother of his father, and an only brother surviving him. To whom will the lands of A. and B. respectively go, and why?

10. A testator bequeaths a legacy to a son and a legacy to a nephew. The son and nephew both die before the testator, and both have children. Do the legacies lapse, or, if not, to whom are they payable?

11. Land is limited by settlement to A. for life, with remainder to his first and other sons in tail male, and is

charged with a jointure to his wife for her life, if she should become his widow, and with portions for younger children. The settlement contains no power of sale. Can the land be sold in the lifetime of A. and during the minority of his sons. And, if so, by what means and with whose concurrence?

12. A being possessed of an estate in fee simple in land, mortgages the estate to B. to secure repayment of a loan.—Should A. afterwards die intestate possessed of ample personal estate, then, as between the land and the personal estate, which is ultimately liable to the re-payment of the loan, and why?

13. A. and B. are joint tenants in fee simple. C. and D. are tenants in common in fee simple. A. dies in the lifetime of B. having devised all his real estate to E. C. dies in the lifetime of D. having devised all his real estate to F. What interests do E. and F. respectively take under the devises to them.

14. Can the owner of an estate in fee simple in land convey the land to A., a bachelor, for life, with remainder to his son for life, and if not, why?

15. A testator devised land to A. and his heirs, but if A. should die under age, to B. and his heirs. Can B. during A.'s minority vest his expectancy in a purchaser? If so, how, and under what authority?

## III.—EQUITY AND PRACTICE OF THE COURTS.

1. Explain shortly the difference between a demurrer and a plea, and under what circumstances the defendant should demur or plead instead of answering a bill?

2. Give some instances in which a defendant may object to give discovery sought by the interrogatories.

3. Explain the mode in which evidence in chief is given, and how the witnesses are cross-examined when the plaintiff takes the cause to a hearing on motion for decree, and also when he files replication.

4. In what cases should a defendant file a cross bill?

5. Can a suit in Chancery be maintained, under any, and, if any, what circumstances, for the specific delivery of a chattel?

6. If interest is by a mortgage deed reserved at the rate of £5 per cent. per annum, and the deed stipulates that in default of payment on stipulated half yearly days, or within thirty days thereafter, the mortgagor shall be entitled to interest at £6 per cent., is the mortgage, after default in payment within the stipulated time, entitled to interest at £6 per cent.? Give the reasons for your answer.

7. What is meant by "tacking"? Give an instance.

8. What is the difference between legal assets and equitable assets and in the mode in which they are distributed in the administration of an insolvent estate?

9. What is the effect, as respects the remedies of creditors of a statutory advertisement for creditors, issued by an executor or administrator.

10. Will an allowance for the maintenance of an infant be directed by the court during the lifetime of the father or mother of the child, and if so, under what circumstances; and how should the application be made?

11. A. agrees to purchase of B. an annuity on the life of C. C dies the day after the contract, can B. enforce payment of the purchase money? could he have done so had C. died the day before the contract? Give the reasons for your answer.

12. What is an ademption of a legacy? State instances of ademption.

13. Is there any distinction, and if so, what, between the mode in which Acts of Parliament are construed at law and in equity?

14. What is understood by equitable waste; and in what cases will the Court of Chancery interfere by injunction to restrain waste?

15. A. dies intestate, possessed of £20,000 personal estate, leaving a widow, a son, and a daughter—upon the marriage of the daughter he had given her £2,000 as a marriage portion, and he had expended £3,000 in purchasing a partnership for his son. How should the £20,000 be divided by the administrator?

## IV.—BANKRUPTCY AND PRACTICE OF THE COURTS.

1. What is the state of a trader's affairs with which the bankrupt law has to deal, and what is the special object sought to be attained by that law?

2. How is that object effected in the case of a creditor holding security? State the general rule.

3. If the security held by the creditor is not on the property of the bankrupt, how does that circumstance affect the amount for which the creditor is entitled to prove?

4. The drawer and acceptor of a bill of exchange for £100 become bankrupt. The holder proves against the estate of the one, and receives a dividend of 10s. in the pound, and afterwards seeks to prove against the estate of the other. For what sum is he entitled to prove?

5. Three persons carrying on business in partnership, give a joint and several promissory note, and become bankrupt. What are the holders' rights of proof as regards the joint and separate estates of the makers of the note?

6. A creditor omits to prove his debt against the estate of his principal debtor. What steps should the surety (who has not paid the debt) take for his own protection?

7. What is the limit of the landlord's remedy, by distress, after an act of bankruptcy of the tenant?

8. Under what circumstances are goods or chattels deemed to be in the reputed ownership, order, or disposition of a bankrupt? and what is the consequence to the true owner?

9. An agent, indebted to his principal, becomes bankrupt, with bills of exchange in his possession, which have been remitted to him by his principal for a specific purpose. What is the right of the principal with reference to such bills of exchange?

10. What are the facts material to be stated in a proof of debt for money lent and advanced to the bankrupt?

11. If any person is supposed to be in possession of property belonging to the bankrupt, or to be indebted to his estate, what steps should be taken by the assignees to ascertain the facts?

12. From what debts does the order of discharge operate as a release?

13. If the assignees decline to accept land held by the bankrupt on lease, what step must the bankrupt take to relieve himself from further liability under the lease?

14. From what time does after-acquired property of a bankrupt cease to be liable to the payment of his debts?

15. If the creditors of a bankrupt desire that his estate should be wound up under a deed of arrangement or composition, how can that object be effected?

#### V.—CRIMINAL LAW AND PROCEEDINGS BEFORE MAGISTRATES.

1. How is the crime of murder defined by Sir E. Coke?

2. How is the age of discretion, with reference to the commission of crime, determined?

3. What is larceny, and what are the circumstances necessary to constitute it?

4. What is the office of coroner, and how he is chosen?

5. How is the coroner's inquisition in case of death holder, and what are the necessary incidents?

6. What powers are conferred on a justice of the peace by his commission?

7. How is the constabulary established in a county under 2 & 3 Vict. c. 93, and 3 & 4 Vict. c. 88?

8. What is the liability of a person intrusted with money, or security for money, with advice in writing as to the payment or delivery?

9. What is the position of accessories before the fact in cases of felony as regards indictment, their conviction, and punishment?

10. Under what definition of crime does robbery from the person fall?

11. How can the feloniously stealing and receiving of stolen goods be covered by one indictment?

12. Where may the receiver of stolen goods be tried and punished?

13. Of what species of crime are parties conspiring to murder guilty, and what is the punishment for it?

14. How is the punishment of death carried into effect under the Act of 1868, and who must be present at it?

15. What is the protection given to cheques crossed with the name of a banker, or with two transverse lines with the words "and company."

#### ANSWERS TO QUESTIONS AT THE FINAL EXAMINATION FOR EASTER TERM, 1869.

##### I.—COMMON AND STATUTE LAW AND PRACTICE OF THE COURTS.

(By GEO. KENRICK and T. PARRY JONES, Esqrs.)

1. If A. buys a horse of B. and pays for it by a bill of exchange, A. has no defence to an action on the bill in

case the horse proves unsound, and is re-sold at a less price. If there was a warranty the loss might be given in evidence and pleaded in mitigation of damages.

2. To enable a plaintiff in ejectment to recover judgment, he must have a right to immediate possession to the land sought to be recovered. In a case of a tenancy from year to year, six months' notice to quit must have been given (expiring at the expiration of the year) and before action brought, but in the case of a tenancy at will no notice is required, as the commencement of the action is the determination of the will.

3. The tenant may remove before the expiration of his tenancy all fixtures he has put up for the purposes of trade, ornament, or furniture, if thereby the freehold be not materially damaged. By 14 & 15 Vict. c. 25, farming fixtures, erected with the landlord's consent, may be removed if one month's notice be given to the landlord and he does not elect to purchase same.

4. In actions for malicious prosecution, &c., defendant may make an affidavit that the plaintiff has no visible means of paying the defendant's costs in case the verdict be not found for the plaintiff, and thereupon a judge may order that unless security be given by the plaintiff, or he shall satisfy the judge that he has a cause of action fit to be prosecuted in the superior court, the case shall be remitted for trial before a county court.

5. By "costs in the cause" is meant the costs which shall be payable to the party who succeeds on the main issues; by "costs in any event" we mean that the party is entitled to them independently of the result of the action.

6. The county court has jurisdiction in actions of ejectment, and to try the right to corporeal and incorporeal hereditaments where neither the value nor the rent exceeds £20 per annum.

7. If the defendant pays money into court and the plaintiff claims more and is defeated, he will have to pay the defendant his costs incurred subsequently to the payment into court.

8. Applications to set aside process or proceedings on the ground of irregularity must be founded upon an affidavit of a defence on the merits, and the irregularity must not have been waived by lapse of time, or by the party complaining of the irregularity having taken any step subsequently.

9. A defendant is entitled to set off mutual debts due in the same right: the debt must be a legal one and not merely a claim to unliquidated damages.

10. A simple contract is an agreement either in writing, or by parol, to do, or not to do, an act. It requires at common law mutual assent of persons competent to contract, a valuable consideration, and something to be done or omitted.

11. Co-defendants are entitled to contribution in contracts, but not in tort.

12. The plaintiff is entitled to recover interest as upon an implied contract on cases of over due bills, notes, and bonds, and by 3 & 4 Will. 4, c. 42, interest may be allowed by a jury from the time the debt was to be paid if payable by a written instrument at a specified time; if not so payable then from the time a written demand is made and notice given that interest will be claimed.

13. A judgment creditor can by 17 & 18 Vict. c. 125, obtain an order for the examination of the defendant as to the debts owing to him, and such debts he may attach and obtain payment to himself.

14. A distress for rent lies to recover a fixed rent due at a specified period which is past. The landlord or his agent must distrain between sunrise and sunset.

15. If any number of days are stated without being expressed to be clear days, the first day is excluded and the last day included.

#### II.—CONVEYANCING.

1. The kind of personal estate which may be bequeathed to endow a hospital is pure personality, as a sum of Consols. The kind of personality which may not be so bequeathed is personality saveuring of the realty, as a lease for years. Another instance is the proceeds of lands devised to be sold.

2. If land is devised to A. for life, and after his death to the heirs of his body, A. takes an estate tail under the rule in *Shelley's case*, and although he may have a son who is a minor, A. can sell the land, and vest it in a purchaser by a deed executed and enrolled in accordance with the

provisions of the Fines and Recoveries Act, 3 & 4 Will. 4, c. 74.

3. A conveyance of a fee simple estate in land for the endowment of an almshouse, unless it be on a purchase for value, must be executed twelve calendar months before the death of the conveying party, and be attested and enrolled pursuant to the provisions of 9 Geo. 2, c. 36.

4. Where land held for an estate in fee simple is devised to A. for life, with remainder to his first and other sons successively in tail general, and A. enters into possession and dies, and B., his eldest son, succeeds him and dies, and B.'s eldest son C. succeeds him. A. and B. respectively take by purchase, C. takes by descent.

5. If land is devised to the use of A. and his heirs, in trust for B. and his heirs, and A. disclaims—the legal estate vests in the testator's heir-at-law in trust for B.

6. If an estate in fee simple in land is conveyed in mortgage to A., who dies intestate, the land can be vested again in the mortgagor discharged from the mortgage on payment of the amount due on the mortgage to the administrator of the mortgagee and obtaining a reconveyance of the legal estate from the mortgagee's heir-at-law. The administrator should join in the reconveyance for the purpose of giving a receipt for the mortgage money.

7. If a woman who is the owner of an estate in fee simple in land marries and has children, the husband has, during the joint lives of himself and wife, a life interest in the land in his marital right, and on her death he is entitled as tenant by the courtesy.

8. If A. has purchased land for an estate in fee simple and dies intestate, leaving a son, B., and a daughter, C., by his first wife, and a son, D., by his second wife, and then B. dies intestate and unmarried, D. will be entitled to the land, the descent being traced from A., the last purchaser.

9. If A., an only child, becomes possessed of land for an estate in fee simple as the heir-at-law of his mother, and B., also an only child, becomes possessed of land for an estate in fee simple under his mother's will, and A. and B. both die intestate and unmarried, each leaving an only brother of his father and an only brother of his mother surviving him—the land of A. will go to his mother's brother, and the land of B. to his father's brother, the descent in each case being traced from the purchaser, B.'s title under his mother's will being a title by "purchase" since 1 Vict. c. 26.

10. Where a testator bequeathes a legacy to a son and a legacy to a nephew, and both son and nephew die before the testator, leaving children—the legacy to the nephew lapses; the legacy to the son does not lapse, but is payable to the person who would have been entitled thereto if the testator had died immediately before the son (1 Vict. c. 26).

11. If land is limited by settlement to A. for life, with remainder to his first and other sons in tail male, and is charged with a jointure to his wife for life if she should become his widow, and with portions for younger children—notwithstanding that the settlement contains no power of sale the land can be sold in the lifetime of A. during the minority of his sons, if the sanction of the Court of Chancery is obtained under the Leases and Sales of Settled Estates Acts. The concurrence is required of all persons in existence having any beneficial estate or interest under the settlement, and of the trustees of any interest for any unborn child. A guardian or guardians will be appointed by the Court, who may, by its leave, concur on behalf of the infants.

12. A., being possessed of an estate in fee-simple in land, mortgages the estate to B. to secure the repayment of a loan, and A. afterwards dies intestate possessed of ample personal estate: the land is ultimately liable to the repayment of the loan (even although the mortgagee should insist on payment from the administrator of the intestate) under the provisions of Locke King's Act, 17 & 18 Vict. c. 113.

13. If A. and B. are joint tenants in fee simple, and C. and D. are tenants in common in fee simple, and A. dies in the lifetime of B., having devised all his real estate to E., and C. dies in the lifetime of D., having devised all his real estate to F.—no interest in the estate held by A. and B. as joint tenants will pass to E. under A.'s will, but C.'s share of the estate held by himself and D. as tenants in common will pass by his will to F. A joint tenancy cannot be severed by will; where a tenancy in common exists there is no right of survivorship.

14. The owner of an estate in fee simple in land cannot

convey the land to A., a bachelor, for life, with remainder to his son for life, because A. has no son. A deed which affected to dispose of land in such a manner would be only effective to the extent of giving a life estate to A. If, however, the owner granted the whole fee to uses, they could be so limited as to give a life or any other estate to a son of A. when he should come into existence.

15. If a testator has devised land to A. and his heirs, but, if A. should die under age, to B. and his heirs, B. can, during the minority of A., vest his expectancy (so far as an expectancy can be vested whilst it remains such) in a purchaser. Such vesting could be carried out by a deed duly executed under the provisions of 8 & 9 Vict. c. 106.

### III.—EQUITY AND PRACTICE OF THE COURTS.

1. A *demurrer* to a bill in equity admits (for the purposes of the argument thereof) the case of the plaintiff as stated in the bill, and calls for the decision of the Court on the question whether or not the plaintiff on his own statement is entitled to any relief against the defendant.

A *plea* is a statement by the defendant on oath of a fact or connected aggregate of facts not disclosed by the bill, raising a single question of law, and which the defendant is advised would if stated by the bill render it demurrable.

The defendant should demur or plead where that mode of defence is available, and he is desirous of putting an end to the suit without answering.

2. The defendant may object to give discovery sought by the interrogatories.

(a) When the statement on which the interrogatory is based is wholly irrelevant.

(b) When the matters inquired after relate exclusively to the defendant's own case.

(c) When his answer would be evidence against him on a criminal proceeding.

(d) When it would subject him to a penalty or a forfeiture.

(e) When the answer if given would disclose privileged communications.

3. Evidence in chief in a suit in equity is given (a) by affidavit, (b) by depositions taken before an examiner, (c) by *viva voce* examination in the first instance in open court, where replication has been filed and issues have been settled. Where the plaintiff takes the cause to a hearing on motion for a decree, witnesses are cross examined on their affidavits or depositions before an examiner. Where a replication has been filed, cross-examination on the affidavits or on *ex parte* depositions taken before an examiner takes place in open court, but when the evidence on any particular issue is taken *viva voce* in court the cross-examination follows the examination in chief.

4. A defendant in equity should file a cross bill when he claims to be entitled to some active relief against the plaintiff in respect to the subject-matter of the original suit.

5. A suit in chancery can be maintained for the specific delivery of a chattel, where the chattel in question has a special and peculiar value to the claimant, and its loss would not be adequately compensated by the recovery of damages.

6. Where interest is reserved by a mortgage deed at the rate of £5 per cent. per annum, and it is provided that in default of payment within thirty days from the stipulated days of payment the mortgagee shall be entitled to £6 per cent., he will nevertheless not be so entitled, as the Court treats the provision as to £6 per cent. as a "penalty" which it declines to enforce, but will allow the mortgagor to redeem on payment of principal and interest calculated at £5 per cent.

7. "Tacking" in equity means a particular practical application of the doctrine that "where the equities are equal the law prevails," as the Court of Chancery will not disturb a legal title without some equitable reason. An instance of "tacking" occurs where a third mortgagee who has lent his money without notice of the second mortgage afterwards procures a transfer of the first mortgage, together with the legal estate: under such circumstances the Court will permit him to retain the legal estate as against the second mortgagee until his claim in respect both of the first and third mortgages is satisfied—or to "tack" the third to the first.

8. "Legal assets" are distinguished from "equitable assets" by the origin of their liability to be applied in payment of the testator's debts. All the assets of an intestate are "legal assets," but real estate, until a comparatively

recent period, was not subject to payment of simple contract debts, after the death of the owner, unless devised for that purpose. Whenever therefore a testator so devised his real estate, the Court of Chancery treated the produce thereof as a gift to all the creditors, and divided it equitably according to the amounts due, giving no preference to specialty creditors. Even now that real estate has been made liable to the payment of simple contract debts whether devised for that purpose or not—where the real estate becomes “assets by the will of the testator,” such assets are still called, and treated as, “equitable assets.”

9. The effect as respects the remedies of creditors of a statutory advertisement for creditors issued by an executor or administrator, is that the executor or administrator may, after the proper time has elapsed, safely distribute the testator's or intestate's assets amongst creditors and those beneficially entitled, and creditors who do not come in must enforce their rights, whatever they may be, against those into whose hands the assets may have been paid over.

10. An allowance for the maintenance of an infant will be directed by the Court, if the infant has any property out of which such an allowance can be made, during the lifetime of the father of the infant, if the father's circumstances are such as to require such allowance, or during the lifetime of the mother in any event. The application for maintenance is made by a summons which is heard and disposed of in chambers.

11. If A. agrees to purchase of B. an annuity on the life of C., and C. dies the day after the contract, B. can enforce payment of the purchase-money. But of course he could not do so if C. had died the day before the contract, as there would in such case have been no consideration for the purchase-money.

12. An ademption of a legacy is the failure of a legacy in consequence of the subject-matter not remaining the property of the testator at the time of his death, when the will comes into operation. If a testator gives a particular gold watch to A. and a specific sum of Consols. to B., and before his death the watch and Consols. are respectively sold or otherwise disposed of by the testator, the legacies are “adeemed.”

13. There is no distinction between the modes in which Acts of Parliament are construed at law and in equity.

14. “Equitable waste” is waste committed by a tenant “unimpeachable of waste,” or by tenant in tail after possibility of issue extint, where the waste is of such an extravagant nature that the Court of Chancery will interfere to prevent it, although no remedy could be obtained at law. The Court of Chancery will interfere by injunction to prevent waste where the waste is of the nature above referred to, and in cases where an action would lie but damages would not be an adequate remedy.

15. If A. dies intestate possessed of £20,000 personal estate, leaving a widow, a son, and a daughter, having previously given £2,000 to the daughter on her marriage and expended £3,000 in purchasing a partnership for the son, the administrator should pay one-third of the £20,000 personality to the widow and divide the residue between the son and daughter, taking into account the amounts of the previous advances to each.

#### IV.—BANKRUPTCY AND PRACTICE OF THE COURTS.

(By G. A. ROOKS, and T. PARRY JONES, Esq.)

1. The state of the trader's affairs with which the bankrupt law has to deal is the amount in particular of the debts owing by him at the date of insolvency and the liabilities against his estate then existing, and the nature and particulars of the assets. Further inquiry is sometimes directed into the course of trading for a period (usually one year prior to the bankruptcy), and the cause of the deficiency between the amount of the debts and the assets, and the special object said to be obtained by the bankrupt law is an early distribution of the debtor's property amongst his creditors according to certain defined rules of law, and a full discovery of the circumstances under which some or all of his debts were incurred.

2. If a creditor holds security the bankrupt law does not deprive him of the benefit of such security, but he may realise it, and if insufficient prove for the deficiency, or he may give up his security and prove for the whole amount.

3. If a creditor holds security on property which does not belong to the bankrupt he may rest satisfied with his security, or he may prove his debt and realize his security for the deficiency.

4. The drawer and acceptor of a bill of exchange are severally liable to the holder for the whole amount of the bill; therefore the drawer can prove against the estates of both in case of bankruptcy, but after receiving a dividend of ten shillings in the pound from one estate he can only prove against the other estate for the balance.

5. If three persons in partnership give a joint and several promissory note and then become bankrupt, the holder of such note can elect to prove against the joint or the several estate of the partners, but he cannot prove against both.

6. If a person is surety for a creditor who has not proved his debt the surety should pay the creditor, and then prove for the amount he has so paid.

7. A landlord, upon his tenant becoming bankrupt, can distrain for not exceeding one year's rent accrued prior to filing the petition.

8. Goods and chattels belonging to one person and being in the possession, order, or deposit of a person who becomes bankrupt, at the time of his bankruptcy with the consent of the true owner, may be sold by the assignees for the benefit of the general body of the creditors of the bankrupt, after an order from the Court declaring them to have been submitted to the order or disposition of the bankrupt; but the rule is not of universal application, and it does not apply to such goods or chattels as may be in the bankrupt's possession where from the nature of his business it is notorious that he would have other people's goods on his premises.

9. The principal has, in case of his agent's bankruptcy, the right of the specific re-delivery to him of the bills of exchange held by such agent for a specific purpose. They do not pass to the assignees, and he may revoke the agency.

10. A proof of debt for money lent and advanced to a bankrupt should state that the amount proved for was lent by the creditor to the bankrupt at his request, and that the bankrupt was justly and truly indebted to the creditor in that amount at the time of the adjudication, and that the amount still remains due. Any security or acknowledgment held for the debt should be stated.

11. The Court of Bankruptcy may summon any person supposed to be in possession of property belonging to the bankrupt or to be indebted to his estate, and may examine him concerning his dealings with the bankrupt.

12. The order of discharge releases the bankrupt from all debts proveable under the bankruptcy.

13. The bankrupt, in order to relieve himself from further liability under a lease granted to him, which his assignees have declined to accept, must, within fourteen days after notice that the assignees have so declined, deliver up his lease to the person then entitled to the rent.

14. After-acquired property of a bankrupt ceases to be liable to the payment of his debts from the date of his order of discharge.

15. If the creditors of a bankrupt desire that his estate should be wound up under a declaration of arrangement or composition it is thus effected:—At the first meeting after adjudication, or at any meeting for the purpose, of which ten days' notice shall have been given in the *Gazette*, three-fourths in number and value of creditors present may resolve that the estate ought to be wound up under a deed; proceedings in bankruptcy can then be stayed, and on the confirmation of such resolution by the Court the proceedings are ordered to be stayed for a limited term, which may be enlarged, and on the deed of arrangement being signed and assented to by three-fourths in number and value of the creditors, and produced to the Court within the time during which the proceedings have been stayed, the Court may direct registration of the deed and afterwards annul the bankruptcy.

#### V. CRIMINAL LAW AND PROCEEDINGS BEFORE MAGISTRATES

(By GEO. KENRICK and T. PARRY JONES, Esq.)

1. Sir E. Coke thus defines murder, “When a person of sound memory and discretion unlawfully killeth any reasonable creature in being, and under the king's peace, with malice aforethought expressed or implied.”

2. Under seven years of age a person is incapable of committing a crime, above fourteen he is presumably capable, between these two ages it is a question of discretion between good and evil.

3. Larceny is the wrongful taking and carrying away of the personal property of another with a felonious intent to convert same to the taker's own use without the consent of

the true owner. To constitute this crime there must be a change of possession of personal property without the owner's consent, and a deprivation of the true owner with a felonious intent.

4. The office of coroner is to inquire into the death of any person slain, or dying suddenly, or dying in prison; also to inquire as to shipwrecks and treasure trove; he is a conservator of the peace, and is elected by the freeholders of the county in a county court held for that purpose.

5. The coroner's inquisition in case of death must be helden super visum corporis, before twelve jurors. Evidence is gone into upon oath, and a verdict given.

6. Justices of the peace are commissioned to keep the peace within their county, and any two of them are empowered to try felonies and trespasses, except treason, murder, and crimes punishable with penal servitude for life, and except the offences enumerated in 5 & 6 Vict. c. 38.

7. A county constabulary under 2 & 3 Vict. c. 93, and 3 & 4 Vict. c. 88, is established in quarter sessions, subject to the approval of the Home Secretary.

8. Attorneys, bankers, or agents, entrusted with money or securities for money, and receiving written instructions as to their disposal, may be indicted for a misdemeanour if they convert some to their own use (24 & 25 Vict. c. 96).

9. An accessory before the fact in cases of felony may be indicted and convicted as a substantial felon, whether the principal shall or shall not have been convicted, and whether he shall or shall not be amenable to justice. The punishment of an accessory is the same as that of a principal offender.

10. Robbery from the person is usually defined as larceny from the person.

11. The charge of stealing and receiving stolen goods may be covered by one indictment, by inserting separate counts for each offence.

12. The receiver of stolen goods may be tried and punished either in the county where the property was stolen or in the county where the goods were received.

13. Conspiring to commit murder is a misdemeanour punishable by penal servitude or imprisonment.

14. The punishment of death is now carried into effect within the prison in the presence of the sheriff, gaoler, chaplain, and surgeon, and an inquest held within twenty-four hours after execution.

15. A cheque crossed with the name of a banker can only be paid to that banker; if merely crossed with " & Co." it must be paid to a banker, and not over the counter. An unauthorised alteration in the cheque or removal of the crossed lines amounts to forgery.

#### QUESTIONS FOR THE INTERMEDIATE EXAMINATION.

*Easter Term, 1859.*

##### I.—From CHITTY ON CONTRACTS.

1. Describe shortly the three descriptions of contracts known in English law.

2. When it is sought to establish an agreement by letters between the parties, what must be the terms of the answer relied on to complete the contract?

3. By what law is a contract, made in a foreign country, to be expounded, if it comes before an English court?

4. What is a *debet credere* commission, and how does it affect the responsibility of an agent acting under it?

5. What is the general rule by which the existence of a partnership may be tested?

6. Define a sale of goods?

7. How does the 17th section of the Statute of Frauds affect contracts for the sale of goods?

##### II.—From WILLIAMS ON THE PRINCIPLES OF THE LAW OF REAL PROPERTY.

[All the following questions are framed with reference to "Williams on the Principles of the Law of Real Property," 8th edition. The first 150 pages.]

8. What, according to Williams, was one of the simplest and most natural divisions of property in times of but partial civilization; and how did the two great classes of property begin to acquire two other names, more characteristic of their difference, and what were those other names? pp. 6, 7?

9. In which of the two classes are leases for terms of years placed, and for what reason? pp. 8, 9.

10. Besides the division of property before alluded to,

Williams mentions another classification which deserves to be mentioned. What is that classification? pp. 10, 11.

11. Williams says that no man is, in law, the absolute owner of land. What then can he hold in land? p. 17.

12. A joint tenancy is said to be distinguished by certain unities. What are those unities? p. 128.

13. Do any of these unities, and, if so, which of them, exist in a tenancy in common? p. 133.

14. By what words can you, by one deed, give to A. a legal estate in fee simple in land, and to B. an equitable estate in fee simple in the same land?

##### III.—From J. W. SMITH'S MANUAL OF EQUITY JURISPRUDENCE.

15. Give a short general definition of equity jurisprudence. Is it synonymous with natural justice?

16. State two of the general maxims of equity jurisprudence, and give an instance of the application of each.

17. Define actual fraud, and constructive fraud, and give instances of each.

18. If a vendor conveys real estate to a purchaser, and in the conveyance acknowledges the payment of the purchase money, and also signs a receipt endorsed upon the conveyance for it, but does not in fact receive payment, what remedies has he, and against whom?

19. How can an equitable mortgage be created, and in what case is an equitable mortgagee entitled to priority over a subsequent legal mortgagee?

20. Under what circumstances may a bill of interpleader be filed, and what is required of the plaintiff in such a suit?

21. If a man marries a ward in Chancery, with the consent of her guardian, and not knowing that she is a ward, is he deemed guilty of a contempt?

##### IV.—BOOK KEEPING.

22. Give a general description of the system of book-keeping by single entry.

23. What is a day-book, and what is a ledger, and describe the process of posting from the former to the latter?

24. What is the difference between a day-book and an invoice-book?

25. What is a profit and loss account, and how is it made out?

26. Give specimens of entries in the book for bills receivable and payable.

##### ADMISSION OF ATTORNEYS.

*EASTER TERM, 1869.*

The following days have been appointed for the admission of attorneys in the Court of Queen's Bench:—

Friday ..... May 7 | Saturday ..... May 8

##### ADMISSION OF SOLICITORS.

The Master of the Rolls has appointed Saturday, the 8th of May, 1869, at the Rolls Court, Chancery-lane, at half-past two o'clock in the afternoon, for swearing in solicitors.

Every person desirous of being sworn in on the above day must leave his common law admission or his certificate of practice for the current year at the secretary's office, Rolls-yard, Chancery-lane, on or before Friday, the 7th of May, 1869.

The papers of those gentlemen who cannot be admitted at common law till the last day of term will be received at the secretary's office up to twelve o'clock at noon on that day; after which time no papers can be received.

The Hon. Mr. Justice Hannan has consented to take the chair at an "Old Pauline" dinner, to be held at Willis's Rooms on Tuesday, June 22nd. The name of the Right Hon. Sir Frederick Pollock appears in the list of stewards, which comprises many other members of the legal profession. We are requested to draw the attention of those members of the profession who have been alumni of St. Paul's to this dinner.

**TESTIMONIAL TO THE LORD CHANCELLOR.**—Lord Hatherley has property connexions with the village of Hatherley, near Gloucester. A testimonial fund is being raised, and has already reached the sum of £800, contributed by 450 subscribers, whose subscriptions varied from sixpence to three guineas, the maximum receivable. The testimonial is to take the form of a portrait of the Lord Chancellor, to be painted by G. Richmond, R.A., and which will be presented with a suitable address to Lady Hatherley.

## THE BISHOP OF NATAL.

## QUERY.

Assuming that the present Bishop of Natal has been guilty of an ecclesiastical offence, what steps can be taken to bring him to trial, and before what tribunal?

## OPINION.

Any tribunal competent to decide whether the doctrinal opinions advocated by Dr. Colenso, the present Bishop of Natal, are in accordance with the doctrines of the Church of England or not must be sought for in South Africa or in England.

The decision of the Judicial Committee in *The Bishop of Natal's case*, 3 Moo. P. C. N. S. 115, is an authority for saying that the Bishop of Cape Town has no jurisdiction over Dr. Colenso.

Taking the cases of *The Bishop of Natal and Long v. the Bishop of Cape Town*, 1 Moo. P. C. N. S. 411, together, they appear to determine that there is no jurisdiction ecclesiastical in the metropolitan diocese (so to call it) of Cape Town which can reach the Bishop of Natal.

The colonial decision in *The Bishop of Natal v. Green*, sent with the case, throws some doubt upon the condition of the colony of Natal, as assumed by the Privy Council in *The Bishop of Natal's case*; and it may be that the letters patent granted to Dr. Colenso were valid. But if that should be so we cannot see that any tribunal, civil, criminal, or ecclesiastical, exists in Natal which can determine whether the doctrinal opinions of Dr. Colenso are erroneous or not, and can enforce its decision.

The authority of the judgment of the Master of the Rolls in *The Bishop of Natal v. Gladstone*, 15 W. R. 29 (3 L. R. Eq. 1) must not be carried beyond the point determined—viz., that the Bishop of Natal, retaining his *status* as bishop, was entitled to receive the endowment of the see.

The Archbishop of Canterbury, whatever may be his authority over his own suffragans, has, in our opinion, no jurisdiction inherent, or conferred by the Crown or by Parliament, which can enable him to inquire, as a Court, into the doctrines advocated by the Bishop of Natal.

It has been suggested that the Crown as visitor, or as supreme in causes ecclesiastical, or by virtue and in exercise of some other supposed power, may be able, either by Commissioners specially appointed, or by means of the Privy Council, to hear and determine the points raised against Dr. Colenso.

We are unable to find the slightest ground on which this suggestion can be supported.

The Crown is supreme over all causes ecclesiastical in the same, and in no other sense, and to no greater extent, than the Crown is supreme over causes temporal—that is, by law, and by means of the various established courts of law.

The submission of the Clergy Act (25 Henry 8, c. 19) gave no such power to the Crown. Section 4 of that Act made it lawful for the parties grieved by any decision of an ecclesiastical judge in England to appeal to the King in Chancery, for which court of appeal the Judicial Committee of the Privy Council is now substituted. This is an appellate, and not an original jurisdiction.

The High Commission Court, established by 1 El. c. 1, is abolished by 16 Ch. 1, c. 11, and the revival of the High Commission Court or any similar court is especially provided against by 13 Ch. 2, st. 1, c. 12, and 1 Will. and Mary, Session 2, c. 2.

With reference to the authorities referred to, intermediate in date between 1 El. c. 1, and 16 Ch. 1, c. 11, it is hardly necessary to observe that they state the law as it was in force under the former of those statutes, and which ceased to be in force on the passing of the latter.

No argument in favour of the power of the Crown can be derived from 3 & 4 Will. 4, c. 41, s. 4, by which it is enacted that it shall be lawful for His Majesty "to refer to the Judicial Committee for hearing or consideration any such other matters as His Majesty shall think fit; and such Committee shall thereupon hear or consider the same, and shall advise His Majesty thereon in manner aforesaid."

To make this section applicable to the judicial determination of an ecclesiastical matter would be in effect to restore the High Commission Court. The section is to be taken as referring to questions not of judicial cognizance on which the Crown may desire to be solemnly advised by persons conversant with the law.

The only remaining consideration is, whether the merits

of the case can be raised on a *scire facias* to revoke the letters patent granted to the Bishop of Natal.

This manner of raising the question between the Bishop of Natal and his opponents was suggested by the Master of the Rolls in the case of the *Bishop of Natal v. Gladstone*.

The only ground on which the letters patent would be revoked by such a proceeding is, in our opinion, that the letters were *ab initio* void, as having issued improvidently. This would leave the merits untouched.

Indeed, if the view taken in *Bishop of Natal v. Green* as to the *status* of the colony be correct, the letters patent might possibly be held valid.

We are therefore of opinion that no mean as present exist for trying before any tribunal competent to decide the question whether or no Dr. Colenso, the present Bishop of Natal, has advocated doctrinal opinions not in accordance with the doctrines held by the Church of England; and, assuming the present Bishop of Natal to have been guilty of an ecclesiastical offence, no steps can be taken to bring him, as such bishop, before any tribunal.

We do not, however, think that, upon the present materials, it would be satisfactory or proper for us to enter into the question whether, if Dr. Colenso were present within the jurisdiction of an English Ecclesiastical Court, and were in this country to commit any offence against the laws ecclesiastical, he could, or not, be proceeded against, under the Church Discipline Act, as a clerk in holy orders of the Church of England.

JOHN DUKE COLERIDGE.  
ROUNDELL PALMER.  
J. PARKER DEANE.

April 19, 1869.

To the Editor of the Times.

SIR.—With reference to the opinion of counsel published in your impression of to-day on the question whether, "assuming the Bishop of Natal has been guilty of an ecclesiastical offence, what steps can be taken to bring him to trial, and before what tribunal?" I beg to call your attention to what was said by Lord Romilly, Master of the Rolls, in the case of *Bishop of Natal v. Gladstone* (3 L. R. Eq. 58):—

"I cannot, however, conclude the observations I have to make on this case without guarding against a misapprehension which might seem to flow from the words I have last used, as if I were of opinion that the plaintiff could not by any means be removed from being Bishop of Natal. Such is not my opinion. I wish it to be distinctly understood that I do not mean to assert that as soon as the plaintiff's nomination by the Crown and his appointment by letters patent had been consummated by his consecration by the Archbishop, whatever might be his conduct and opinions, he must for ever remain Bishop of Natal, and enjoy the endowments attached to that office, even though the letters patent appointing him had never been revoked. On the contrary, I entertain no doubt that if he had not performed his part in the contract entered into by him, that if he had failed to comply with the 'covenants of his trust' he could not compel payment of his stipend. The contract he has entered into is involved in the words 'Bishop of the Church of England as by law established.' The duties, the teaching, the superintendence, the pastoral care, the watching of his flock, which appertain to a bishop, he undertook and was bound to perform; and if by his own wilful default this has become impossible, I do not mean to lay down that he could maintain a suit in this court for the payment of his salary as Bishop of Natal."

In that case the question of the alleged heretical opinions of Bishop Colenso was not raised before the Court. "Not a word," said the Master of the Rolls, "in the pleadings and evidence before me is breathed against either the moral character or the religious opinions entertained by the plaintiff." It appears, therefore, that if the trustees of "the Colonial Bishoprics' Fund" were now to refuse to pay Bishop Colenso his salary on the ground that his teaching has been heretical, and he were to sue them in a court of equity for that salary, the court would go into the question of heresy, if properly raised on the pleadings, and decide for or against the Bishop, according as it found that he had or had not complied with his contract to observe the doctrine and teaching of the Church of England. The case might then be appealed to the House of Lords, and a decision on the question would be obtained from the highest Court of Appeal. The effect of this would certainly not be to avoid the letters

patent, but it would determine the question of heresy, which, as I understand, is what is desired in the case.

Your obedient servant,  
Temple, April 26. WILLIAM FORSYTH.

## COURT PAPERS.

## ORDER IN CHANCERY.

April 20, 1869.

Whereas, by the 5th of the Consolidated Orders of this Court, Rule 6, it is provided that the Lord Chancellor may from time to time by Special Order direct the offices to be closed on days other than those mentioned in the 1st Rule of the said order; and whereas Wednesday, the 2nd day of June next, has been appointed for the celebration of her Majesty's birthday, and such event has been heretofore observed as a general holiday in the several offices of this Court, his Lordship doth, therefore, order that the several offices of this Court be closed on Wednesday, the 2nd day of June next; and that this order be entered and set up in the several offices of this Court.

(Signed) HATHERLEY, C.

## COURT OF QUEEN'S BENCH.

This Court will, on Monday, the 10th day of May next, and the two following days, hold sittings, and will proceed in disposing of the cases in the new trial, special, and Crown papers, and any other matters then pending, and will give judgment in cases then standing for judgment.

BY THE COURT.

## PUBLIC COMPANIES.

LAST QUOTATION, April 30, 1869.  
(From the Official List of the actual business transacted.)

## GOVERNMENT FUNDS.

3 per Cent. Consols, '38	Annuities, April, '85, 11 15-16
Ditto for Account, May 6, '93	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced, 92½	Ex Bills, £1000, 6 per Ct. p m
New 3 per Cent., 92½	Ditto, £500, Do 6 p m
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 6 p m
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 4 per Ct. (last half-year)
Do. 2½ per Cent., Jan. '73	Ditto for Account, 240
Annuities, Jan. '80	

## INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 211	Ind. Enf. Pr., 5 p Ct. Jan. '72 106
Ditto for Account	Ditto, 5½ per Cent., May, '79 110½
Ditto 5 per Cent., July, '80 115	Ditto Debentures, per Cent., April, '64
Ditto for Account, —	Do. Do., 5 per Cent., Aug. '73 103½
Ditto 4 per Cent., Oct. '88 106½	Do. Bonds, 4 per Ct., £1000 10 p.m.
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000, 10 p.m.
Ditto Enforced Ppr., 4 per Cent.	

## RAILWAY STOCK.

Shrs.	Railways.	Paid.	Closing prices
Stock	Bristol and Exeter .....	100	78
Stock	Caledonian .....	100	78
Stock	Glasgow and South-Western .....	100	97
Stock	Great Eastern Ordinary Stock .....	100	38½
Stock	Do., East Anglian Stock, No. 2 .....	100	—
Stock	Great Northern .....	100	108
Stock	Do., A Stock* .....	100	109
Stock	Great Southern and Western of Ireland .....	100	97
Stock	Great Western—Original .....	100	49½
Stock	Do., West Midland—Oxford .....	100	27
Stock	Do., Do.—Newport .....	100	30
Stock	Lancashire and Yorkshire .....	100	123½
Stock	London, Brighton, and South Coast .....	100	47½
Stock	London, Chatham, and Dover .....	100	17½
Stock	London and North-Western .....	100	116
Stock	London and South-Western .....	100	88
Stock	Manchester, Sheffield, and Lincoln .....	100	56½
Stock	Metropolitan .....	100	103½
Stock	Midland .....	100	115
Stock	Do., Birmingham and Derby .....	100	82
Stock	North British .....	100	35
Stock	North London .....	100	121
Stock	North Staffordshire .....	100	55
Stock	South Devon .....	100	43
Stock	South-Eastern .....	100	76½
Stock	Taff Vale .....	100	150

\* A receives no dividend until 6 per cent. has been paid to B.

## MONEY MARKET AND CITY INTELLIGENCE.

The funds have been decidedly firm throughout the week, and with an upward tendency towards its close. The abundance of money in the market, the buoyancy of the foreign markets, and the fineness of the weather continue to exercise a very favourable

influence. In railway and miscellaneous securities not much change has taken place.

The report of the London and Provincial Law Assurance Society shows that in the year 1868 220 new policies were issued; the new premiums were £10,067; the total premiums, £77,237; and the income from all sources, £29,937 12s. 1d. The assets were £500,609 18s. 5d.

Mr. William Cockrell, barrister, has resigned the clerkship of the peace for the borough of Cambridge.

Just now, when our Home Office is animated by a spirit of clemency to convicts, it may be interesting to observe the means by which New York has become so delightfully safe for peaceful citizens. The criminal statistics for the past year in that city show that there were 4,712 arrests, of which only 605 were disposed of in the courts. Of seventy-eight arrests for murder only fifteen were ever heard of in the courts; and of 225 receivers of stolen goods only three were brought to trial. Of the rest many were presumably "compounded." Meantime we read that Mr. Frederick S. Bogue was arraigned before Judge Bedford, of that city, for "being a member of the so-called Vigilance Committee, and having helped to promulgate inflammatory reports about the courts and crime of the city." The judge, in discharging the prisoner on his own recognizances, remarked to him, "If you cut up any more such tricks I shall send you to the State prison."—*Pall Mall Gazette*.

THE NEW LAW COURTS.—The true solution of the question is simple, and we believe that even Mr. Lowe may be led to apprehend it. The Carey-street site has been bought, and it is large enough for the courts and their direct offices, though not for the depository of wills and other loose-hanging appendages. Let the courts then be built on the Carey-street site, of such moderate dimensions as to leave an open area all round, and thus solve half the difficulties, on which so emphatic a stress has been laid, of approaches. The Chancellor of the Exchequer refuses to buy land adjacent to Cary-street for the subsidiary positions. Let him go on refusing. But the wills must be lodged after all, and Mr. Lowe is charmed with the cheapness of the Howard-street property. By all means let him become its possessor, and adorn the Thames Embankment with the public building which common sense says ought to stand betwixt Somerset House and the Temple in the shape of the Probate Office.—*Saturday Review*.

ECCLESIASTICAL FEES.—In pursuance of authority given to them by an Act passed in 1867, the two English Archbishops and the Lord Chancellor have settled the following table of fees, subject to the approval of the Privy Council:—The vicar-general, chancellor, archdeacon, or official is to have 3 guineas on the "consecration of a church and burial ground" (and, we presume, on the consecration of a church alone, but it is not so stated); 2 guineas on the consecration of a burial ground; the registrar 7 guineas in the former case and 6 guineas in the latter; the bishop's secretary a guinea and the apparitor a guinea on either occasion. On a visitation, episcopal or archidiaconal, the chancellor is to have 2s., the registrar 12s. 6d., apparitor 3s. 6d. The table does not declare who are to pay these fees, or how many sums of 12s. 6d. the registrar is to receive from a clergyman cited, and the several outgoing and incoming churchwardens of the parish. On a faculty for alterations in churches or churchyards the chancellor is to have a guinea, the registrar £3 13s. 6d., and the apparitor 10s. 6d., besides 1s. a mile on personally serving a citation in the country. On ordination the registrar is to have 5s., and the bishop's secretary 2 guineas. On this occasion the new clergyman pays his first ecclesiastical fees, and as he may wish to know for what he is charged, we subjoin the following authoritative description:—"The secretary's fee is for correspondence with the candidates, the drawing of papers and instructions prior to examination, attendance at the ordination, preparing the letters of orders, and entering the names and titles of the candidates in the Bishop's Act Book. The registrar's fee is for registering the names and titles of the candidates in the register books of the diocese."

"When I first began to keep my terms at the Temple," says an eminent barrister, "I often sat at the same mess with a student from the Mauritius, who invariably used to favour us during dinner with the results of his morning's reading; a topic which most of us thought rather unseasonable. Upon one occasion he was very severe upon Blackstone for speaking of 'cattle damage feasant.' It was ridiculous, he said, to suppose that cattle ever did, or ever could, damage pheasants!"

## ESTATE EXCHANGE REPORT.

## AT THE MART.

April 22.—By MESSRS. BEADEL.  
Freehold farm, known as Lee Gardens, Hornchurch, Essex, comprising a residence, with stabling, coachhouses, cottage homestead, and 112a 1r 7p of arable and grass land.—Sold for £6,060.

April 26.—By MR. CHAMPNESS.  
Copyhold residence, known as Chesnut Tree House, Leystone, Essex—Sold for £770.

**April 27.—By Messrs. DEBENHAM, TEWSON, & FARMER.**

Freehold estate, known as Leigh Marsh, Essex, comprising about 318a or 17p of grass land, also some oyster beds, cottage, &c.—Sold for £390. Freehold, 2a 2r 15p of land, situate at Bromley, Kent—Sold for £390. Freehold, 3a 1r 33p of land, situate in the Staines-road, Ashford, Middlesex—Sold for £670.

By Messrs. BROAD, PRITCHARD, & WILTSHIRE.

Leasehold, 2 residences, Nos. 17 and 19, Maryland-road, New-road, Hammersmith ; term, 89 years from 1864, at £6 each per annum—Sold for £790. Leasehold house and shop, No. 2, Great Earl-street, Seven Dials, annual value £25 per annum—Sold for £265. Leasehold house, No. 4, Great Earl-street ; term and ground rent similar to the above—Sold for £400.

By Mr. SPILLMAN.

Freehold residence, with stabling, and grounds of 14 acres, situate at Kitterherne, Surrey, and known as Thornhill Hill Villa—Sold for £2,210.

By Messrs. J. J. CLEMMANS & SON.

Leasehold, 3 houses, Nos. 10 to 12, Baring-street, New North-road ; term, 63 years unexpired, at £12 15s. per annum—Sold for £590.

April 28.—By Messrs. E. FOX & BOUSFIELD.

Copyhold residence, with stabling and gardens, situate at Finchley-common, and known as Colebrook Villa ; also a freehold orchard and paddock, fronting the main road—Sold for £1,220.

Leasehold cottage and villa, with stabling, situate at above, and known as Holly Cottage, let on lease at £42 per annum ; term, 99 years unexpired, at £21 10s. per annum—Sold for £265.

Copyhold, 5 residences, Nos. 1 to 5, Lonsdale-cottages, Finchley—Sold for £815.

Leasehold house and shop, with stabling, No. 128, Edgware-road, let on lease at £120 per annum ; term, 64 years unexpired, at £8 2s. per annum—Sold for £2,120.

Leasehold improved ground rent of £5 per annum, for 37 years, arising from 40 and 41, Nightingale-street, Lissom-grove—Sold for £55.

April 29.—By Messrs. FURBER, PRICE, & FURBER.

Annuity of £1,000 sterling, payable during the life of a gentleman aged 65 years, and an annuity of £400, from the death of the said gentleman up to the 1st of July, 1872, if he should die before that date—Sold for £1,100.

Policy of assurance for £1,200, effected with the National Provident Institution, on the life of the above gentleman—Sold for £435.

Policy of assurance for £1,050, on the same life, and in the same office—Sold for £400.

Policy of assurance for £800, on the same life, effected in the London Life Assurance—Sold for £480.

Policy of assurance for £1,000, on the same life, effected in the National Provident Institution—Sold for £460.

**BIRTHS, MARRIAGES, AND DEATHS.****BIRTHS.**

HERBERT—On April 23, at D'Urville Villa, Upper Norwood, the wife of Frederick Sanders Herbert, Esq., Solicitor, of a son.

**MARRIAGES.**

SCONCE-CROFT—On March 18, at St. Stephen's Church, Kidderminster, Calcutta, Gideon Colquhoun Sconce, Esq., Barrister-at-Law, to Esther Margaret, daughter of William Croft, Esq., of Worcester.

**DEATHS.**

KEIGHLEY—On April 25, at Peckham, Eliza, the wife of J. N. Keighley, Esq., Solicitor, of No. 7, Ironmonger-lane, aged 40.

**BREAKFAST.—Epps' Cocoa.—GRATEFUL AND COMFORTING.**—The very agreeable character of this preparation has rendered it a general favourite. The "Civil Service Gazette" remarks :—"The singular success which Mr. Epps attained by his homœopathic preparation of cocoa has never been surpassed by any experimentalist. By a thorough knowledge of the natural laws which govern the operations of digestion and nutrition, and by a careful application of the fine properties of well-selected cocoa, Mr. Epps has provided our breakfast tables with a delicately flavoured beverage which may save us many heavy doctors' bills." Made simply with boiling water or milk. Sold by the trade only in 4lb., 4lb., and 1lb. tin-lined packets, labelled—JAMES EPPS & CO., Homœopathic Chemists, London.—[ADVT.]

**LONDON GAZETTES.****Binding-up of Joint Stock Companies.**

FRIDAY, April 23, 1869.

**LIMITED IN CHANCERY.**

Anglo-Egyptian Navigation Company (Limited).—Petition for winding up, presented April 19, directed to be heard before Vice-Chancellor James on May 1. Chester & Urquhart, Staple-inn, for Lace & Co., Liverpool, solicitors for the petitioners.

Kilmarnock Coal Company (Limited).—Vice-Chancellor Stuart has, by an order dated April 16, ordered that the above company be wound up. Parker & Co., Bedford-row, for Dalton, Leicester, solicitor for the petitioner.

London Lubricating Oil and Patent Paint Company (Limited).—Petition for winding up, presented April 21, directed to be heard before Vice-Chancellor James on May 1. Keene & Marsland, Lower Thames-st, petitioners in person.

**UNLIMITED IN CHANCERY.**

Heiston and Penry Junction Railway Company.—Petition for winding up, presented April 22, directed to be heard before the Master of the Rolls on May 6. Bolton & Grylls Hill, Elm-ct, Temple, for Grylls Hill & Hill, solicitors for the petitioners.

Mid Hants Railway Company.—Vice-Chancellor Stuart has, by an order dated April 16, confirmed a scheme of arrangement between the above company and their creditors. Porter & Twyman, Victoria-st, Westminster, solicitors for the petitioners.

North Kent Railway Extension Railway Company.—Petition for winding up, presented April 17, directed to be heard before Vice-Chancellor James on May 1. Webb, Gresham-st, solicitor for the petitioners.

TUESDAY, April 27, 1869.

**LIMITED IN CHANCERY.**

Aerated Bread Company (Limited and Reduced).—Petition for reducing the capital of the above company from £500,000 to £123,600, presented April 19. The list of creditors is to be made out as for June 1. Wilson & Co, solicitors to the company.

Bristol Soap and Trading Company (Limited).—The Master of the Rolls has, by an order dated April 17, ordered that all further proceedings under the order to wind up, made on Nov 7, be stayed, and that the voluntary winding up of the above company be continued.

British and Foreign Railway Plant Company (Limited).—Petition for winding up, presented April 26, directed to be heard before Vice-Chancellor Stuart on May 7. Lewis & Co, Old Jewry, solicitors for the petitioners.

Clarence Hotel Company, Dover (Limited).—Vice-Chancellor Stuart has, by an order dated April 16, ordered that the above company be wound up. Long, Raymond-buildings, Gray's-inn, solicitor for the petitioner.

Hardsough Spinning and Weaving Company (Limited).—Petition for winding up, presented April 24, directed to be heard before the Vice-Chancellor of Lancaster on May 11. Leigh, Manch.

John Chadwick & Company (Limited).—Petition for winding up, presented April 22, directed to be heard before the Vice-Chancellor of Lancaster on May 11. Cobbett & Co, Manch, solicitors for the petitioners.

Royal (Forest of Dean) Mining Company (Limited).—Vice-Chancellor Malins has, by an order dated April 17, ordered that the above company be wound up, and that Francis Higgins and George Hall be appointed official liquidators. Tucker, St Swithin's-lane, solicitor for the petitioner.

Saint David's Gold Mining Company (Limited).—Petition for winding up, presented April 24, directed to be heard before the Master of the Rolls on May 7. Holmes, Clement's-lane, Lombard-st, solicitor for the petitioner.

Severn Bank Hotel and Newham Ferry Company (Limited).—Petition for winding up, presented April 24, directed to be heard before Vice-Chancellor James on May 7. Weightman, Guildhall-chambers, Easington-st, for Cooke, Gloucester, solicitor for the petitioner.

**Friendly Societies Dissolved.**

FRIDAY, April 23, 1869.

United Friends East End Society, King's Head, Tower-st. April 21.

**Creditors under Estates in Chancery.**

Last Day of Proof.

FRIDAY, April 23, 1869.

Birch, Geo, Hales Owen, Worcester, Farmer. May 12. White v King, V.C. Malins. Smallwood, Birn.

Brocas, Bernard, Beaurepaire Park, Hants. May 21. Cottrell v Barker, M.R. Brandon, Essex-st, Strand.

Capper, Chas., Upton, Essex, Esq. June 16. Brett v Dowey, V.C. James, Taylor, Fenchurch-st.

Mitchell, Edwd, Wooterton, Norfolk, Farmer. May 24. Jarvis v Mitchell, V.C. James. Nurse, Lynn.

Simmons, Abraham, Chase Side, Southgate, Ice Dealer. May 17. Simmons v Earl, M.R. Phillips & Willicombe, Mark-lane.

TUESDAY, April 27, 1869.

Bowman, Joseph, Mecklenburgh-sq, Gent. May 13. Bowman v Ellbeck, V.C. Stuart. Van Sandau & Co, King-st, Cheapside.

Bridge, Alfred Charles, Middle Temple, Barrister-at-Law. May 23. Bridge v Bridge, V.C. Stuart. Paterson & Co, Chancery-lane.

Devon, Dame, Victorie, Sussex-sq, Hyde-pk, Widow. May 24. Devon v Russell, M.R. Russell, Mitre-ct-chambers, Temple.

Handley, Sampson, sen, Coton Mill, Stafford, Farmer. May 19. Bowen v Handley, M.R. Adderley, Longton.

Perring, John, Regent-st, Hatter. May 20. Perring v Trail, V.C. Malins. Huxham, Hare-ct, Temple.

Scott, Edmund John, Bucklersbury, Gent. May 20. Lambert v Campbell, V.C. James. Combs, Bucklersbury.

Spickett, Wm, Newport, Monmouth, Clerk. May 20. Bland v Spickett, M.R. Cathcart, Newport.

**Creditors under 22 & 23 Vict. cap. 35.**

Last Day of Claim.

TUESDAY, April 20, 1869.

Bagnall, Chas Hy, Streatham, Surrey, Esq. June 1. Maddox, Cornhill.

Blor, Richd, Newcastle-under-Lyme, Stafford, Builder. May 5 Slaney, Newcastle-under-Lyme.

Boawell, Geo Hy, Jan, Odham, Hants, Cattle Dealer. June 1. Johnson & Weatheralls, Temple; for Lamb & Co, Odham.

Bolton, Celia Maria, Marborough-rd, St John's-wood, Widow. May 30. Paterson & Co, Chancery-lane.

Burgess, Thos, Macclesfield, Chester, High Bailiff. May 25. Killmister & Son, Macclesfield.

Colegrave, Wm, Hove, Sussex, Esq. May 17. Slaughter & Guillington, Mansfield-st, Portland-pl.

Edwards, Wm, Edgbaston, Warwick, Goldsmith. May 20. Alcock & Milward, Birm.

Fortescue, Hon and Rev John, Devon, Clerk and Canon of Worcester Cathedral. June 19. Ford, Exeter.

Halfhead, Richd, York, Esq. May 17. Whyley & Piper, Bedford.

Harvey, Geo Robins, Windmill-lane, Camberwell, Broker. May 28. Lowless & Nelson, Gracechurch-st.

Hodgson, Joseph, Westbourne-ter, Paddington, Esq. July 1. Walker & Martineau, King's-rd, Gray's-inn.

Holmes, Jas Natham, Lpool, Merchant. July 17. Sidney, Lincoln's-inn-fields.

Hool, Charlotte, Castleford, York, Spinster. July 1. Bradley.

James, Thos, Southport, Lancaster. July 1. Street, Manch.

Knowles, John, Burnley, Lancaster, Surgeon. July 1. Handsley & Arndale, Burnley.  
 Law, Rev. John, Elvetham, Hants, Clerk. June 1. Johnson & Weatherall, Temple; for Lamb & Co, Odham.  
 Lewis, Cecilia Bassett, Bath, Widow. May 24. Rogers, Falmouth.  
 Maclean, Allan Thos., Oxford-sq., Hyde-pk., Lieut-Gen. May 31. Talbot & Tasker, Bedford-row.  
 O'Donnoghue, Theodosia Catherine, Long Ashton, Somerset, Widow. June 1. O'Donnoghue & Rickards, Bristol.  
 O'Donnoghue, John Jeffery, Bristol, Esq. June 1. O'Donnoghue & Rickards, Bristol.  
 Powell, Chas., Sutton Court, Salop, Esq. June 24. Urwick & Marston, Ludlow.  
 Ratcliffe, Mary Ann, Southport, Lancaster, Spinster. May 1. Welsby & Hill, Southport.  
 Redworth, Joseph, Merton, Surrey, Rate Collector. July 20. Rolt, Skinner's-pk., Sise-lane.  
 Robinson, Edmund, York, Esq. May 1. Newton & Co, York.  
 Robson, Wm David, Manch, Licensed Victualler. June 15. Woodward, Birm.  
 Snowball, Geo, Slough, Bucks, Builder. May 29. Barrett, Slough.  
 Taylor, Geo Turner, Castleford, York, Sanitary Tube Manufacturer. July 1. Bradley, Castleford.  
 Wells, John, Hazelbeech, Northampton, Schoolmaster. June 24. Douglass, Market Harborough.  
 Wild, Matty, Ashton-upon-Mersey, Chester, Widow. May 31. Wood, Manch.  
 Wise, Thos., Bellevue-villas, Seven Sisters'-rd, Gent. May 30. Marsden, Friday-st, Cheapside.  
 Wood, Robt, New Bond-st, Italian Warehouseman. June 1. Taylor, Old Burlington-st.  
 Young, Hy, Addiscombe, Surrey, Esq. June 14. Young, Hastings.

FRIDAY, April 23, 1869.

Booth, Geo, Gorton, Lancaster, Chemical Manufacturer. June 1. Potter & Knight, Manch.  
 Edbrook, John, Bristol, Brightsmith. June 10. Sweet & Burrough, Bristol.  
 Ludlam, Jeffery, Sussex-pl., Regent's-pk., Esq. June 1. Parkin & Pagden, New-sq., Lincoln's-inn.  
 Mager, John, Kirton, Lincoln, Farmer. June 2. Staniland & Wigelsworth, Boston.  
 Packham, Anne, Brighton, Widow. June 1. Lamb, Brighton.  
 Redhead, Lawrence, Chester-house, South Norwood-pk., Sworn Broker. June 1. Young & Co, St Mildred's-ct, Poultry.  
 Sobey, Richd, Cotton, Cornwall, Yeoman. May 31. Sobey, Powey.  
 Suttle, Jas, Little Bolton, Lancaster. May 19. Ramwell, Bolton.  
 Wilson, Martha, Seacroft Hall, York, Widow. June 1. Tennant & Co, Leeds.

TUESDAY, April 27, 1869.

Andrew, Hannah, Manch, Widow. June 15. Andrew, Manch.  
 Bell, Chas, Richmond, Esq. M.P. May 31. Sharp, Gresham-house, Old Broad-st.  
 Cooe, Harriett, Salisbury, Wilts, Spinster. July 1. Townsend & Co, Salisbury.  
 Dovey, Sarah, Lymestreet, Camden-town, Widow. May 25. Jacobs & North, Budge-row.  
 Edwards, Geo Nelson, Finsbury-sq., M.D. June 15. Brooks & Co, Godman-st, Doctors' commons.  
 Harding, John Cooke, Brussels, Belgium. June 1. Buiteel & Rowe, Plymouth.  
 Hare, Wm Ody, Bristol, Clerk of the Peace. June 1. Wadham, Bristol.  
 Hyatt, Chas Jas, Chichester, Sussex, Wine Merchant. May 31. Richardson, George-st, Mansion-house.  
 Lucas, Catherine, Aylesbury, Bucks, Spinster. June 1. J. & T. Parrott, Aylesbury.  
 Mantion, Hy, Fleet, Lincoln, Farmer. May 25. Harvey & Cartwright.  
 Marsh, Wm Hooper, Birkenhead, Chester, Merchant. May 31. Evans & Lockett, Lpool.  
 Matthews, Hopkin, Coychurch, Glamorgan, District Road Surveyor. June 5. Stockwood, Bridgend.  
 Mordan, Francis, City-rd, Gold Pen Manufacturer. June 14. Mills, Brunswick-pl., City-rd.  
 Osborn, Saml, Manor-ter, Brixton, Doctor. June 14. Ellis & Cross-Field, Mark-lane.  
 Page, Chas, Southminster, Essex, Gent. June 23. Bromley, Bedford-row.  
 Price, Elizabeth, Salisbury, Wilts, Widow. July 1. Townsend & Co, Salisbury.  
 Parish, Jonathan, Lissone-grove, Gent. June 9. Chappell, Edgeware-rd, Hyde-pk.  
 Rimmer, Ellz, Wigan, Lancaster, Spinster. July 24. Whitaker, Duchy of Lancaster Office.  
 Sanders, Sarah, Brighton, Sussex, Widow. June 30. Burgoynes & Co, Oxford-st.  
 Scariff, John, Tuxford, Notts, Currier. June 7. Burt, Carlton-upon-Trent.  
 Simpson, Geo, Brading, Isle of Wight, Gent. June 1. White, Ryde.  
 Smith, Joseph, Darton, York, Builder. June 24. Simpson, Manch.  
 Swinford, John Sackett, Margate, Kent, Gent. May 22. Kingsford & Dorman, Essex-st, Strand.  
 Vigers, John, Prees, Salop, Gent. June 28. Barker, Wem.  
 Waller, Harry Edmund, Farmington-lodge, Gloucester, Esq. June 24. Coverdale & Co, Bedford-row.

## Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, April 23, 1869.

Andrews, Benj, Wootton-under-Edge, Gloucester, Cabinet Maker. April 3. Asst. Reg April 23.  
 Beck, Edwin, Worcester, Baker. March 27. Comp. Reg April 21.  
 Beckett, Chas, Mary lebone-lane, Machine Printer. April 12. Comp. Reg April 22.  
 Berwick, Thos, Tredington, Gloucester, Blacksmith. April 7. Comp. Reg April 22.  
 Bodinar, John Matthews, Newlyn, Cornwall, Cooper. March 29. Comp. Reg April 21.

Boys, Horace, Downs Farm, Kent, Farmer. April 2. Asst. Reg April 21.

Burrows, Jas, Lpool, Painter. April 5. Comp. Reg April 22.

Chase, Wm, Petersfield, Southampton, Grocer. March 27. Asst. Reg April 22.

Cras, Hy Wm, Lpool, Surveyor. March 16. Comp. Reg April 22.

East, Fredk, Hyland, St Matthias-pl., Hornsey New Town, Cheesemonger. April 1. Comp. Reg April 21.

Fairmaner, Geo Dean, Church-passage, Gresham-st, Portmanneau Maker. April 20. Comp. Reg April 22.

Forster, Thos, Newcastle-upon-Tyne, Innkeeper. March 23. Comp. Reg April 19.

Frechet, Fras, Fordham, New Bond-st, Milliner. April 14. Comp. Reg April 21.

Gardiner, Wm Hemmins, Mitcham, Surrey, Builder. April 7. Comp. Reg April 22.

Gerrish, Saml, Bristol, Butcher. April 1. Reg April 22.

Goodfellow, Thos Wilson, Merthyr Tydfil, Glamorgan, Provision Merchant. March 18. Comp. Reg April 21.

Green, Chas Case, Queen's-st, Cheapside, Gent. Feb 20. Comp. Reg April 20.

Greenwood, Thos, Western-ter, Stoke Newington, Greengrocer. April 19. Comp. Reg April 20.

Gregory, Wm Hy, Birm, Milliner. April 15. Asst. Reg April 23.

Harris, Geo, Cheltenham, Gloucester, Draper. April 7. Comp. Reg April 21.

Harrison, Horatio, Birm, Goldsmith. April 21. Comp. Reg April 23.

Hertzl, Geo Otto, Brentwood, Essex, Tobacconist. April 7. Comp. Reg April 22.

Herring, Hy John, Lpool, Confectioner. March 23. Comp. Reg April 23.

Horne, Thos John, Gilbert-ter, Haverstock-hill, Grocer. April 2. Comp. Reg April 20.

Howden, Alex, Hereford, Gent. March 25. Asst. Reg April 20.

Jay, Francis, South Lambeth-rd, Paint Manufacturer. April 3. Comp. Reg April 20.

Jayne, Luke, Aberdare, Glamorgan, Shoemaker. April 2. Comp. Reg April 21.

Johnson, Wm Alex, Manch, Tailor. March 18. Asst. Reg April 21.

Jones, John, Stoke-upon-Trent, Stafford, Joiner. March 31. Comp. Reg April 22.

Lancaster, Thos, Lpool, Grocer. April 15. Comp. Reg April 21.

Little, Wm, Patrington, York, Farmer. April 14. Asst. Reg April 22.

Marks, Saml, Orchard-st, Portman-sq., Carriage Builder. March 15. Asst. Reg April 20.

Moseley, Mary Eliza, Walsall, Stafford, Boot Retailer. March 25. Comp. Reg April 21.

Muschamp, Geo, Batley, York, Linendraper. March 30. Asst. Reg April 22.

Nicols, Jas, Burton-upon-Trent, Stafford, Brewer. March 24. Asst. Reg April 21.

Paley, Wm, Sunderland, Durham, Yeast Importer. April 3. Comp. Reg April 22.

Pattinson, John, Haltwhistle, Northumberland, Woollen Manufacturer. March 29. Comp. Reg April 22.

Phillips, Geo, Jun, Ealing, out of business. March 20. Comp. Reg April 20.

Porritt, Benj, Littletown, York, Yarn Manufacturer. March 10. Asst. Reg April 21.

Powys, Robt Horace, Water-lane, Gt Tower-st, Agent. April 8. Asst. Reg April 22.

Quiggin, Thos, Birkenhead, Chester, Boot Dealer. March 25. Comp. Reg April 21.

Richardson, John Allpress, Burlington-rd, Paddington, Accountant. April 15. Comp. Reg April 20.

Roberts, John, Bangor, Carnarvon, Draper. April 6. Arrangement. Reg April 21.

Robinson, Geo, Chippington Guide Post, Northumberland, Baker. April 3. Asst. Reg April 22.

Robson, John Molineux, Godlmann-st, Commission Merchant. March 22. Asst. Reg April 23.

Sanders, Hy, Buckwold, Builder. March 4. Asst. Reg April 21.

Sanger, Chas, Southampton, out of business. April 2. Comp. Reg April 23.

Shaw, Ben Walker, Lpool, Merchant. April 6. Comp. Reg April 22.

Shilton, Walter, Oxford-st, Islington, Newspaper Proprietor. April 8. Comp. Reg April 22.

Shoosmith, Matthey Wm, Gt Dover-st, Southwark, Ironmonger. April 8. Comp. Reg April 22.

Smith, Thos, Old Kent-rd, Iron Bedstead Manufacturer. March 12. Comp. Reg April 17.

Summers, Robt, Morpeth, Northumberland, Miller. March 3. Asst. Reg April 19.

Titheradge, Geo Robt, Portsea, Southampton, Accountant. April 17. Asst. Reg April 20.

Towner, John Chisholm, Eastbourne, Sussex, Upholsterer. April 5. Asst. Reg April 16.

Turstall, Jas, Manch, Joiner. April 13. Comp. Reg April 22.

Webb, Wm, Aylesbury, Bucks, Plumber. March 24. Asst. Reg April 21.

Whittingham, Edwin, Monks Coppenhall, Chester, Farmer. March 24. Asst. Reg April 21.

Willard, Robt, Princes End, Tipton, Stafford, Licensed Victualler. April 16. Comp. Reg April 22.

Yolland, Wm Hy, George-yard, Lombard-st, Ship Broker. March 27. Asst. Reg April 19.

TUESDAY, April 27, 1869.

Andrew, Edwd Lawrence, Vauxhall-bridge-rd, Pimlico, Grocer. April 9. Asst. Reg April 21.

Armstrong, Dinah, Carlisle, Milliner. March 31. Comp. Reg April 26.

Barrow, Jas, Manch, Draper. March 24. Asst. Reg April 21.

Beswick, Benj, Openshaw, nr Manch, Builder. April 19. Comp. Reg April 27.

Blaylock, John, Birkenhead, Chester, Grocer. April 1. Asst. Reg April 26.

Briggs, Jas, Lawrence Duckworth Briggs, & Robert Briggs, Accrington Lancaster, Cotton Manufacturers. April 17. Asst. Reg April 26.

Clarke, Thos Fernandez, Wantage, Berks, Doctor. April 22. Comp. Reg April 26.  
 Clark, Geo. & Geo Heap, Northampton, Builders. March 30. Comp. Reg April 24.  
 Cook, Jas, Rainelagh-rd, Ealing, Builder. April 21. Comp. Reg April 26.  
 Crocker, Alfred Thomas, Strand, Bookseller. March 29. Comp. Reg April 24.  
 Davies Wm, Manch, Tobacconist. April 19. Comp. Reg April 27.  
 Davidshun, Paul, Crooked-lane, Hop Factor. April 19. Comp. Reg April 26.  
 Day, Hy, Birm, out of business. April 22. Comp. Reg April 26.  
 Dobson, Robt Withington, Preston, Lancaster, Seed Merchant. March 13. Asst. Reg April 23.  
 Edwards, Isaac, Clwyddnewydd, Denbigh, Draper. March 24. Asst. Reg April 26.  
 Entwistle, Wm, Blackburn, Lancaster, Innkeeper. March 30. Asst. Reg April 26.  
 Evans, Wm, Pontypridd, Glamorgan, Boot Manufacturer. April 13. Comp. Reg April 24.  
 Ford, Wm, Cardiff, Glamorgan, Draper. March 30. Comp. Reg April 26.  
 Gibson, Wm Hy, Lpool, Grocer. April 13. Asst. Reg April 24.  
 Gifford, Horace John, Esher, Surrey, Gent. Feb 22. Comp. Reg April 23.  
 Grout, Wm, Burton-upon-Trent, Stafford, Cooper. April 1. Comp. Reg April 24.  
 Hickin, Ebenezer, Wolverhampton, no occupation. April 5. Comp. Reg April 23.  
 Hill, John Roland, Birm, Confectioner. April 2. Comp. Reg April 26.  
 Holloway, Dorothy, Newcastle-upon-Tyne, Tailor. April 19. Comp. Reg April 26.  
 Hopkinson, Joseph Timothy, Newington-cumseaway, Saw Maker. March 12. Comp. Reg April 26.  
 Houghton, Christopher, Preston, Lancaster, Painter. March 23. Comp. Reg April 24.  
 Inman, John, Bradford, York, Grocer. April 20. Comp. Reg April 24.  
 Jones, Eleazar, Cardiff, Glamorgan, Draper. March 24. Asst. Reg April 24.  
 Kirkman, Robt, Bolton, Lancaster, Joiner. March 31. Asst. Reg April 26.  
 Lockwood, David, & Abraham Mallinson, Huddersfield, York, Dyers. March 16. Comp. Reg April 23.  
 Machell, Thos. & Saml Machell, Batley, York, Woollen Manufacturers. April 7. Comp. Reg April 27.  
 Matthews, Wm, Augustine, Lawrence-rd, Esmond-rd, Metal Dealer. March 29. Comp. Reg April 23.  
 Mair, Wm, Lpool, Draper. April 2. Comp. Reg April 24.  
 Oliver, Thos, & Fredk Gedney, Towlaw, Durham, Corn Millers. March 31. Comp. Reg April 26.  
 Richardson, Hy, Castle-st, Leicester-sq, Oil Colourman. April 21. Comp. Reg April 23.  
 Robinson, Edwin, Bradford, York, Joiner. April 13. Comp. Reg April 27.  
 Smith, Joseph Thos, & Edwd Greenaway, French Horn-yard, Crutched-friars, Printers. April 6. Asst. Reg April 24.  
 Squire, Joseph, Upper Norwood, Grocer. April 5. Asst. Reg April 26.  
 Taylor, Stephen, Devonport, Painter. April 2. Comp. Reg April 26.  
 Taylor, Joseph, Birm, Ironmonger. April 20. Comp. Reg April 27.  
 Walker, Wm Winstanley, Ince, Lancaster, Commercial Traveller. April 5. Comp. Reg April 26.  
 Warrington, Jas, & Wm Warrington, Edgeware-rd, Painters. April 6. Comp. Reg April 24.  
 Wills, Wm Greek, Barnstaple, Devon, Tailor. April 22. Comp. Reg April 24.  
 Wright, Joseph, Holdenby, Northampton, Farmer. March 27. Comp. Reg April 23.

**Bankrupts.**

**FRIDAY, April 23, 1869.**

To Surrender in London.

Barnard, Hannah, Leigh, Essex, Baker. Pet April 17. May 10 at 11. Medcal, Gresham-blids, Basinghall-st.  
 Bottomley, Albert David, Prisoner for Debt, London. Pet April 20 (for pau). Brougham. May 10 at 1. Kimberley, Scott's-pard, Bush-lane.  
 Brant, Reuben, High-st, Penge, Grocer's Assistant. Pet April 21. Pepys. May 7 at 1. Vant, Leadenhall-st.  
 Cathorall, David Ralph, Bromley, out of business. Pet April 19. Roche. May 5 at 11. Ra-shield, Carter-lane, Doctors'-commons.  
 Charig, Saml, Somerset-st, Tailor. Pet April 19. May 10 at 12. Lewis, Hackney-rd.  
 Clarkson, John Paterson, Prisoner for Debt, Norwich. Adj April 16. Murray. May 24 at 11.  
 Dawson, Joseph, Dawson-st, Fulham New Town, Builder. Pet April 20. Roche. May 5 at 12. Godden, Fenchurch-st.  
 Farrand, Joseph, Prisoner for Debt, London. Pet April 17 (for pau). Brougham. May 10 at 12. Watson, Basinghall-st.  
 Fenoli, Noah, Rouel-rd, Bermondsey, Stone Mason. Pet April 19. May 10 at 11. Hewitt, Nicholas-lane.  
 Fitch, Wm, Bridge-st, East, Regent-st, Mile End-rd, Sausage Manufacturer. Pet April 19. May 10 at 11. Grout, Suffolk-lane.  
 Forbes, Archibald, Charing-cross, Pimlico, Printer. Pet April 19. Pepys. May 7 at 1. Butterfield, Carey-lane.  
 Francis, Joseph Thos, Prisoner for Debt, London. Adj April 16. May 14 at 11.  
 Gable, John, Gravesend, Kent, Financial Agent. Pet April 19. May 10 at 12. Willoughby & Cox, Clifford's-inn.  
 Garner, Joseph, Halifax-st, Mile-end New Town, Publican. Pet April 21. Roche. May 5 at 12. Haigh, jun, King-st, Cheapside.  
 Gladstone, Thos Murray, Prisoner for Debt, London. Pet April 14 (for pau). Brougham. May 3 at 2. Watson, Basinghall-st.  
 Joubert, Jules, Prisoner for Debt, London. Adj April 16. Murray. May 24 at 11.

Kent, Edwd Hy, High-st, Homerton, Baker. Pet April 19. Pepys. May 7 at 11. Dobson, Coleman st, Mile end.  
 Kind, Geo, Blackstone-st, Lansdowne-rd, Dalston, out of business. Pet April 21. May 10 at 1. Eagleton & Co, Newgate-st.  
 Mair, Wm Hugh, Park-crescent, Stockwell, Saleman. Pet April 15. Pepys. May 7 at 11. Schultz, Dyer's-blids, Holborn.  
 Mepstead, Wm Hy, Oatham, Kent, Wine Merchant. Pet April 19. Pepys. May 7 at 1. Weatherhead, Coleman-st.  
 Moore, Nathaniel, Sultan-st, Camberwell, Clerk. Pet April 16. Pepys. May 7 at 12. Butter, Symond's inn, Chancery-lane.  
 Moses, Zachariah, Outler-st, General Dealer. Pet April 19. Roche. May 5 at 11. Haigh, jun, King-st, Cheapside.  
 Noyce, Thos, Prisoner for Debt, London. Adj April 15. Murray. May 24 at 11.  
 O'Donohue, John, Prisoner for Debt, London. Pet April 20 (for pau). Pepys. May 7 at 1. Kimberley, Scott's-yard, Bush-lane.  
 Page, Wm Bridgewater, jun, Southampton, Corn Merchant. Pet April 21. May 10 at 12. Stockton & Jupp, Leadenhall-st.  
 Parker, Robt, Prisoner for Debt, London. Adj April 16. Murray. May 24 at 11.  
 Patmore, Wm, Prisoner for Debt, London. Pet April 20 (for pau). Roche. May 5 at 12. Kimberley, Scott's-yard, Bush-lane, Cannon-st.  
 Robinson, Fredk Wm, Winchester, Hants, Auctioneer. Pet April 19. Murray. May 3 at 1. Paterson & Co, Bouvierie-st, Fleet-st; Mackey, Southampton.  
 Robinson, Wm Hy, Dover, Kent, Esq. Pet Nov 23. May 12 at 11. Kimber & Ellis, Gresham House, Old Broad-st.  
 Smith, Edwd Spencer, Brompton-rd, Refreshment-room Keeper. Pet April 10. Murray. May 3 at 1. Kent, Cannon-st.  
 Sutton, Wm Hy, Paradise-rd, Stockwell, out of business. Pet April 21. Roche. May 5 at 12. Weatherhead, Coleman-st.  
 Titterton, Wm Joseph, Witney, Oxford, out of business. Pet April 20. Pepys. May 7 at 1. Shaw & Co, Gray's-inn-sq; Lee, Witney.  
 Whale, Richd, Christchurch-st, Chelsea, Foreman. Pet April 20. Roche. May 5 at 11. Miller & Stubbs, Eastcheap.  
 Whiteman, Wm, Prisoner for Debt, London. Pet April 17 (for pau). Pepys. May 7 at 1. Watson, Basinghall-st.  
 Wigg, Geo, Colchester, Essex, Leather Dealer. Pet April 21. Murray. May 3 at 1. Lewis & Co, Old Jewry; Smythies & Co, Colchester.  
 Yeo, Richd Wm, Prisoner for Debt, Surrey. Adj April 15. Ivey. May 7 at 10.30.

To Surrender in the Country.

Appleton, Jas, Widnes, Lancaster, Moulder. Pet April 20. Andsell, St Helen's, May 5 at 11. Swift, St Helen's.  
 Armstrong, Joseph, Coxhoe, Durham, Tailor. Pet April 5. Gibson, Newcastle-upon-Tyne, May 3 at 11.30. Hoyle & Co, Newcastle-upon-Tyne.  
 Atworth, Geo, Prisoner for Debt, Manch. Adj April 14. Fardell, March, May 19 at 12.  
 Babbs, Jeffrey, Birm, General Dealer. Pet April 20. Hill, Birm, May 5 at 12. Rowlands, Birm.  
 Bagnall, Richd, Burton-on-Trent, Stafford, Huckster. Pet April 19. Hubbersty, Burton-upon-Trent, May 3 at 10. Wilson, Burton-upon-Trent.  
 Bartlett, Fras, Bournemouth, Southampton, Boot Maker. Pet April 15. Drift, Christchurch, May 1 at 12. Sharp, Christchurch.  
 Beckingham, Geo, Bodfary, Flint, Railway Contractor. Pet April 13. Edwards, Denbigh, April 28 at 12. Davies, Holywell.  
 Belk, Vincent, Westwoodside, Lincoln, Beerhouse Keeper. Pet April 17. Burton, Gainsborough, May 11 at 11. Bladon, Gainsborough.  
 Button, Edmund Gell, Winterton, Lincoln, Labourer. Pet April 19. Brown, Barton-on-Humber, May 7 at 11. Nowell & Priestley, Barton-on-Humber.  
 Carter, Benj, Shattinger, Northampton, Labourer. Pet April 16. Willoughby, Daventry, April 5 at 11. White, Northampton.  
 Clarke, David Moore, Lincoln, Baker. Pet April 19. Upplby, Lincoln, May 5 at 11. Dale, Lincoln.  
 Clarke, Edward, Prisoner for Debt, Manch. Adj April 14. Fardell, March, May 11 at 11.  
 Clough, Robt, Bramley, nr Leeds, Bus Driver. Pet April 14. Marshall, Leeds, May 6 at 12. Fullan, Leeds.  
 Crofton, John Shaw, Bishopwearmouth, Durham, Draper. Pet April 20. Gibson, Newcastle-upon-Tyne, May 13 at 12. Robinson, Sunderland.  
 Crisp, Wm Hy, Sedgford, Norfolk, Farm Steward. Pet April 19. King's Lynn, May 4 at 11. Nurse, King's Lynn.  
 Damoney, John, Ingleton, York, Cattle Dealer. Pet April 16. Roper, Kirkby Lonsdale, May 3 at 11. Robinson, Settle.  
 Daniell, Geo Daniell, Ipswich, Suffolk, Fishmonger. Pet April 17. Pretyman, Ipswich, May 1 at 11. Jennings, Ipswich.  
 Davies, Rees, Merthyr Tydfil, Glamorgan, Iron Miner. Pet April 21. Russell, Merthyr Tydfil, May 5 at 11. Rosser, Aberdare.  
 Dennis, Wm, Prisoner for Debt, Warwick. Adj April 16. Guest, Birm, May 14 at 10.  
 Dugdale, Thos, Darlington, Durham, Accountant. Pet April 19. Darlington, May 5 at 10. Stevenson, Darlington.  
 Eaching, Geo, Prisoner for Debt, Chester. Adj April 13. Lpool, May 5 at 11.  
 Edwards, Richd, Gwydir, Anglesey, Farmer. Pet April 21. Lpool, May 5 at 1.30. Grimmer, Lpool.  
 Elwood, Geo Hy, Cambridge, Publican. Pet April 20. Eaden, Cambridge, May 5 at 12. Ellison, Cambridge.  
 Evans, John, Aberystwyth, Cardigan, Grocer. Adj March 18. Lloyd, Aberystwyth, May 13 at 12.  
 Everard, Edwd, Tonbridge, Kent, Grocer. Pet April 19. Alleyne, Tonbridge, May 1 at 10. Palmer, Tonbridge.  
 Gough, Geo, Wolverhampton, Stafford, Grocer. Pet March 30. Brown, Wolverhampton, May 10 at 12. Ward, Wolverhampton.  
 Gould, Job, Commonside, Stafford, Sinker. Pet April 19. Harward, Scourbie, May 7 at 10. Culow, Brierley-hill.  
 Green, Alfred, Edgbaston, Birm, out of business. Adj April 16. Guest, Birm, May 14 at 10.  
 Haigh, Thos, Lindley, York, Bookseller. Pet April 17. Jones, Huddersfield, May 7 at 10. Sykes, Huddersfield.  
 Harper, Robt, Newcastle-upon-Tyne, Provision Dealer. Pet April 19. Gibson, Newcastle-upon-Tyne, May 3 at 12. Keenlyside & Forster, Newcastle upon Tyne.

Hardy, John, Tom Law, Durham, out of business. Pet April 21. Greenwell, Durham, May 4 at 11. Salkeld, Durham.

Harris, Chas, Tranmere, Chester, Baker. Pet April 21. Wason Birkenhead, May 7 at 2. Downham, Birkenhead.

Harwood, Edwin, Bridgewater, Somerset, Groom. Pet April 20. Lovibond, Bridgewater, May 5 at 10. Veysey, Bridgewater.

Hayes, John, Calvert, Leeds, Corn Factor. Pet April 20. Leeds, May 3 at 11. Simpson, Leeds.

Hazlewood, Jas, Birn, Blacksmith. Pet April 19. Guest, Birm, May 14 at 10. Gemm, Birm.

Herrord, Thos, Jas Fletcher, Somerstones, Derby, Wheelwrights. Pet April 19. Hubberston, Alfreton, May 6 at 1. Cursham, Mansfield. Hicklin, Hy, Gt Bridge, Stafford, Baker. Pet April 19. Walker, Dudley, May 6 at 12. Bowes, Bilton.

Horton, Alfred, Lichfield, out of business. Pet April 19. Hill, Birm, May 5 at 12. James & Griffin, Birm.

Hughes, Robt, Denbigh, Grocer. Pet April 20. Edwards, Denbigh, May 6 at 12. Beacons, Denbigh.

Jones, John, Norwich, Printers' Assistant. Pet April 20. Fiske, Beccles, May 4 at 12. Kent, Beccles.

James, Thos, Nottingham, Wood Sawyer. Pet April 19. Patchitt, Nottingham, May 10 at 13. Belk, Nottingham.

Jones, John, Tynwydd, Glamorgan, Innkeeper. Pet April 9. Wilds, Bristol, May 3 at 11. Dalton & Spencer, Cardiff; Henderson & Salmon, Bristol.

Jones, Lewis, jun, Treherbert, Glamorgan, Grocer. Pet April 20. Wilde, Bristol, May 3 at 11. Thomas, Neath; Abbott & Leonard, Bristol.

Jones, Theophilus, Pcntypool, Monmouth, Retailer of Beer. Pet April 16. Wadsworth, Pontypool, May 3 at 12. Greenway & Bytheway, Pontypool.

Kesseling, Albert, Manch, Comm Merchant. Pet April 20. Fardell, Manch, May 4 at 11. Worsley, Manch.

Lucas, Mary Ann, Pool, Cornwall, Grocer. Pet April 12. Exeter, May 4 at 10.30. Rescoria & Son, Penzance; Terrell & Petherick, Exeter.

Metters, Hy, Prisoner for Debt, Lancaster. Adj April 15. Lpool, May 3 at 2.

Moule, Isaac, Chulmleigh, Devon, Blacksmith. Pet April 17. Crosse, South Molton, May 15 at 10. Shapland, South Molton.

Mosley, Geo, Sheffield, York, Beerhouse keeper. Pet April 22. Wake, Sheffield, May 12 at 1. Mickethwaite, Sheffield.

Nicholls, Edwd, Sittingbourne, Kent, Grocer. Pet April 16. Hills, Sittingbourne, May 5 at 12. Willis, Sittingbourne.

Nicholson, Joseph, Barrow-in-Furness, Lancaster, Coal Dealer. Pet April 19. Fardell, Manch, May 5 at 12. Cobbett & Co, Manch.

Potter, Wm, Middlesborough, York, Tailor. Pet April 20. Leads, May 3 at 11. Brewster & Stubbs, Middlesborough; Simpson, Leeds.

Ratcliffe, Jas, & John Ratcliffe, Leeds, Machine Makers. Pet March 31. Marshall, Leeds, May 6 at 12. Simpson, Leeds.

Rees, Thos, Merthyr Tydfil, Glamorgan, Chemist. Pet April 10. Wilde, Bristol, May 3 at 11. Fussell & Prichard, Bristol.

Row, Hy, Reading, Berks, Butcher. Pet April 20. Collins, Reading, May 8 at 11. Smith, Reading.

Scanlon, Chas, Leek, Stafford, Managing Barman. Pet April 19. Allen, Leek, May 6 at 2. Higginbotham, Basley, Macclesfield.

Shotton, Wm, John, Sunderland, Durham, Architect. Pet April 21. Gibson, Newcastle-upon-Tyne, May 3 at 12. See, Sunderland.

Smith, Wade Hampton, & Wm Hamilton Smith, Tipton, Stafford, Ironmasters. Pet April 21. Tudor, Birm, May 7 at 12. James & Griffin, Birm.

Spooner, Wm, Prisoner for Debt, Manch. Adj March 17. Kay, Manch, May 5 at 9.30.

Solomon, Mary Ann, & Joseph Geo Solomon, Birm, Stationers. Pet April 14. Hill, Birm, May 5 at 12. James & Griffin, Birm.

Steel, Richd, Little Bytham, Lincoln, Draper. Pet April 20. Bell, Bourne, May 11 at 12. Law, Stamford.

Stevenson, Wm, Wednesday, Stafford, Licensed Victualler. Pet April 21. Hill, Birm, May 5 at 11. James & Griffin, Birm.

Stubbs, John, Waters, North Somercotes, Lincoln, Butcher. Pet April 14. Watte, Louie, April 30 at 11. Summers, Hull.

Swain, John, Lincoln, Commercial Traveller. Pet April 19. Staniland, Boston, May 5 at 12. Rex, Lincoln.

Swindells, Josph, Bugsworth, Derby, Innkeeper. Pet April 20. Macrae, Manch, May 7 at 11. Fox, Manch.

Tiley, Wm, Newark-upon-Trent, Nottingham, Book Keeper. Pet April 20. Newton, Newark, May 5 at 12. Ashley, Newark.

Tunstall, Richd, Prisoner for Debt, Lancaster. Adj April 15. Hizne, Lpool, May 3 at 2.

Valentine, Thos, Little Bolton, Lancaster, Basket Maker. Pet April 20. Holden, Bolton, May 5 at 10. Edge & Dawson, Bolton.

Vernon, Thos, Birm, Journeyman Ivory Button Tool Makar. Pet April 14. Guest, Birm, May 14 at 10. East, Birm.

Walster, Jeremiah, Mansfield, Nottingham, Draper. Pet April 20. Tudor, Birm, May 11 at 11. Mickethwaite, Sheffield.

Warren, Geo Jas, Peniar, Pembroke, Licensed Victualler. Pet April 20. Lanning, Pembroke, May 5 at 10. Hulme, Pembroke.

White, Richd, Ovenden, Dover, Kent, Staff Commander R.N. Pet April 15. Greenwich, Dover, May 5 at 12. De La Saux, Canterbury.

White, Hannah, Middlesbrough, York, Widow. Pet April 21. Crosby, Stockton-on-Tees, May 3 at 11.15. Stubbs, Middlesbrough.

Wilcox, Edmund, Leigh Sinton, Worcester Tailor. Pet April 20. Tudor, Birm, May 7 at 12. James & Griffin, Birm.

Will, John, Manch, Soap Boiler. Pet April 20. Fardell, Manch, May 5 at 1. Maples, Nottingham.

Wroe, Albert, Horton, York, out of business. Pet April 20. Bradford, May 4 at 9.15. Hargreaves, Bradford.

TUESDAY, April 27, 1869.  
To Surrender in London.

Ayers, Geo Nutton, Prisoner for Debt, Maidstone. Adj April 19. May 12 at 11.

Baily, Hy, Prisoner for Debt, London. Pet April 23 (for pau). Murray, May 10 at 12. Olive, Portsmouth-st, Lincoln's-in-fields.

Buden, Geo, George-st, Lewisham-st, Deptford, Commercial Traveller. Pet April 22. Pepys, May 21 at 12. Dobie, Gresham-st.

Bonner, Geo Schroder, Rood-lane, Fenchurch-st, Ship Brokers. Pet April 22. Murray, May 10 at 12. Spicer, Staple-inn.

Bristol, Peter, Prisoner for Debt, Maidstone. Adj April 16. May 12 at 11.

Broatch, Wm Johnson, Prisoner for Debt, London. Adj April 16. May 12 at 11.

Brown, Geo, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

Bruce, Jas, East-rd, City-rd, Tea Dealer. Pet April 24. Murray, May 10 at 12. Dobie, Gresham-st.

Cattaneo, Vincent, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

Chamberlain, Nehemiah, Southampton, Coal Merchant. Pet April 22. May 10 at 2. Stocken & Japp, Leadenhall-st.

Cotton, Stapleton, Prisoner for Debt, London. Pet April 20 (for pau). Pepys, May 7 at 1. Harrison, Basinghall-st.

Creed, Hy, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

Edmonds, John Wm, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

Edwards, Wm, & Fredk Weidenbach Whichels, Iver, Buckingham, Paper Manufacturers. Pet April 22. Pepys, May 7 at 12. Price, Sergeant's-inn, Fleet-st.

Evens, Chas Albion, Pierpoint-row, Islington, Boot Maker. Pet 23. May 12 at 12. Hunt, Gray's-inn-sq.

Everard, Wm, Prisoner for Debt, London. Pet April 19. Murray, May 10 at 1. Weedon, Uxbridge.

Fish, Geo, Campsey Ashe, Suffolk, Farmer. Pet April 21. May 12 at 12. Mackeson & Co, Lincoln's-in-fields.

Francis, Hp, Sanda End, Fulham, Beershop Keeper. Pet April 23. May 12 at 12. Begbie, Essex-st, Strand.

Fruit, Chas, Harrow, Hotel Keeper. Pet April 21. Pepys, May 7 at 1. Beard, Basinghall-st.

Hales, Richd Wm, Rectory-sq, Stepney-green, out of employment. Pet April 23. Murray, May 10 at 12. Beeholme, Gt Ormond-st, Brunswick-sq.

Harris, Wm, Prisoner for Debt, Maidstone. Adj April 19. Pepys, May 21 at 11.

Hayward, Joseph, Coleman-st, General Agent. Pet April 21. May 10 at 1. Linklaters & Co, Wallbrook.

Hill, Ge, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

King, Wm Alex, Gt Bardfield, Essex, out of business. Pet April 22. May 10 at 2. Evans, John-st, Bedford-row.

King, Fred, Augustus, Gt Bardfield, Essex, Cattle Dealer. Pet April 22. May 10 at 2. Evans, John-st, Bedford-row.

Larkin, Geo, Prisoner for Debt, Maidstone. Adj April 19. May 12 at 11. Lion, Michel, Fort-st, Spitalfields, Shoe Manufacturer. Pet April 16. Murray, May 10 at 1. Sole & Co, Aldermanbury.

Morris, Mary Ann, Prisoner for Debt, London. Adj April 16. May 12 at 11.

Neck, Thos, Prisoner for Debt, London. Pet April 21 (for pau). Brougham, May 10 at 2. Dobie, Gresham-st.

Nixon, Jas, Minories, Provision Merchant. Pet April 21. May 10 at 12. Keighley, Ironmonger-lane.

Outred, Ben Wm, Milton-next-Gravesend, Kent, Solicitor. Pet April 24. Murray, May 10 at 1. Pullen, Queen-sq, Bloomsbury.

Primett, Chas Hy, Upper Park-place, Dorset-sq, Marine Store Dealer. Pet April 23. May 12 at 12. Dobson, Colmar-st, Mile-end.

Prosser, Evan, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

Redwood, Hy Robt, Sloane-st, Chelsea, Upholsterer. Pet April 21. May 10 at 1. Peverley, Gresham-blgs, Basinghall-st.

Robins, John, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.

Rogers, Fredk Thos, & Wm Rogers, Gt Cambridge-st, Hackney-rd, Cabinet Makers. Pet April 23. May 12 at 1. Howell, Cheapside.

Solomons, Hannah, Prisoner for Debt, London. Pet April 23 (for pau). Pepys, May 21 at 12. Watson, Basinghall-st.

Spurling, Jas, Prisoner for Debt, London. Pet April 21 (for pau). Murray, May 24 at 12. Kimberley, Scott's-yard, Bush-lane, Cannon-st.

Stuart, Robt, Tottenham-ct-rd, out of business. Pet April 19. Pepys, May 7 at 1. Matthews & Co, Leadenhall-st.

Winser, John, Prisoner for Debt, London. Adj April 16. Pepys, May 21 at 11.30.

Wyott, John, St Ann's-ct, Wardour-st, Soho, Fruiterer. Pet April 23. Murray, May 10 at 12. Hudson, Margareta-st, Hammersmith.

To Surrender in the Country.

Abraham, Israel, East Hartlepool, Durham, Pawnbroker. Pet March 27. Gibson, Newcastle-upon-Tyne, May 11 at 12. Ingledew & Doggett, Newcastle-on-Tyne.

Ash, Christopher, Torquay, Devon, Grocer. Pet April 22. Pidsley, Newton Abbot, May 10 at 11. Carter, Torquay.

Baggott, Saml, Wolverhampton, Stafford, Grocer. Pet April 23. Hill, Birm, May 12 at 12. Fitter, Birm.

Barnby, Jonathan Routhwaite, Prisoner for Debt, Kingston-upon-Hull. Adj April 14. Phillips, Kingston-upon-Hull, May 10 at 11.

Barnes, Geo, Bath, Butcher. Pet April 21. Smith, Bath, May 11 at 11. Bartram, Bath.

Bondall, Geo, Cirencester, Gloucester, Cabinet Makar. Pet April 22. Gale, Cheltenham, May 11 at 11. Skipper, Cheltenham.

Blake, Saml, King's Clif, Northamptonshire, Blacksmith. Pet April 16. Sherard, Oundle, May 8 at 10. Law, Stamford.

Bower, Chas, Spalding, Lincoln, Builder. Pet April 22. Tudor, Birm, May 11 at 11. Maples & Son, Spalding; Hodgson & Son, Birm.

Bracegirdle, Peter, Prisoner for Debt, Lancaster. Adj April 21. Fardell, Manch, May 11 at 12.

Braig, Isaac, Prisoner for Debt, Carlisle. Adj March 18. Gibson, N<sup>o</sup> weaste-upon-Tyne, May 11 at 12. H'ly, Newcastle-upon-Tyne.

Brown, John, Wetherby, York, Grocer. Pet April 24. Leeds, May 10 at 11. Lumley, Boston Spa; Simpson, Leeds.

Brown, Edmund Watson, Monkwearmouth, Durham, out of business. Pet April 23. Ellis, Sunderland, May 10 at 12. Dixon, Sunderland.

Brown, Thos, Stranton, Durham, out of business. Pet April 23. Gibson, Newcastle-upon-Tyne, May 11 at 12. Turnbull & Bell, West Hartlepool.

Burinraux, John Nicholans, Brighton, Sussex, Toy Dealer. Pet April 23. Everhard, Brighton, May 19 at 11. Mills, Brighton.

Butler, Edmund, Bristol, Umbrella Manufacturer. Pet April 23. Wilde, Bristol, May 7 at 11. Dix, Bristol.

Clancey, Stephen, Bristol, Licensed Victualler. Pet April 23. Harley, Bristol, May 7 at 12. Friss & Inskip.

Collins, Jas, Old-hills, Worcester, Journeyman Gardener. Pet April 23. Crisp, Worcester, May 13 at 11. Tree, Worcester.

Cousens, Hy, Boston, Lincoln, out of business. Pet April 22. Staniland, Boston, May 12 at 10. Bean, Boston.

Cox, Geo Hugh Augustus, Llanstephan, Carmarthen, Comm Agent. Pet April 23. Wilde, Bristol, May 7 at 11. Clifton, Bristol.

Cross, John, Bristol, out of business. Pet April 24. Wilde, Bristol, May 8 at 11. Benson & Elletson, Bristol.

Dalison, Geo, Prisoner for Debt, Derby. Adj April 12. Weller, Derby, May 12 at 12.

Drysdale, Thos Twidle, Swansea, Glamorgan, Licensed Victualler. Pet April 23. Wilde, Bristol, May 7 at 11. Clifton, Bristol.

Edwards, Hy, Maysyllan, Anglesey, Farmer. Pet April 24. Lpool, May 11 at 1.30. Grimmer, Lpool.

Edwards, Edmund, Maidenhead, Berkshire, Builder. Pet April 19. Darvill, Windsor, May 8 at 11. Spicer, Staple-inn.

Fleming, Thos, Prisoner for Debt, Warwick. Adj April 22. Guest, Birn, May 14 at 10.

Frank, John Thos, Barnsley, York, Carver. Pet April 20. Dibb, Barnsley, May 11 at 11. Frudd, Barnsley.

Gambles, Richd, Prisoner for Debt, York. Adj April 17. Bradford, May 16 at 9.15.

Goodier, Jas, Manch, Insurance Agent. Pet April 24. Hulton, Sal-ford, May 8 at 9.30. Stringer, Manch.

Gregory, Wm Hy, Prisoner for Debt, Warwick. Adj April 22. Hill, Birn, May 12 at 12. James & Griffin, Birn.

Grodditer, Harris, Kingston-upon-Hull, Jeweller. Pet April 22. Phillips, Kingston-upon-Hull, May 11 at 11. Summers, Hull.

Hair, Thos, Prisoner for Debt, Kingston-upon-Hull. Adj April 14. Phillips, Kingston-upon-Hull, May 10 at 12.

Hale, Hy, Prisoner for Debt, Bristol. Pet April 20 (for pau). Harley, Bristol, May 7 at 12.

Hampson, Wm, Prisoner for Debt, Lancaster. Adj April 15. Fardell, Manch, May 11 at 11.

Hayson, Wm, Prisoner for Debt, Durham. Adj April 15. Ellis, Sunderland, May 10 at 11. Steel, Sunderland.

Harvey, Joseph, Hart's-hill, Worcester, Innkeeper. Pet April 21. Walker, Dudley, May 10 at 12. Culow, Brierley-hill.

Hepas, Geo, Whittington Moor, Derby, Miner. Pet April 23. Wake, Chesterfield, May 11 at 12. Gee, Chesterfield.

Hodges, Fredk, Sparkbrook, Worcester, Builder. Pet April 23. Hill, Birn, May 12 at 12. James & Griffin, Birn.

Holt, John, Marfleet, York, Blacksmith. Pet April 24. Phillips, Kingston-upon-Hull, May 11 at 12. Eaton, Hull.

Johnson, Fredk John, Prisoner for Debt, Warwick. Adj April 22. Tudor, Birn, May 14 at 12. James & Griffin, Birn.

Jones, David, Prisoner for Debt, Cardiff. Adj April 12. Spickett, Pontypridd, May 10 at 12. Yorath, Cardiff.

Jones, Danl, Prisoner for Debt, Bristol. Pet April 20 (for pau). Harley, Bristol, May 7 at 12.

Lancaster, Robt, Prisoner for Debt, Lancaster. Adj April 15. Hime, Lpool, May 3 at 2.

Lucas, Mary Ann, Pool, Cornwall, Grocer. Pet April 12. Exeter, May 4 at 10.30. Rosecris & Son, Penzance; Terrell & Peterick, Exeter.

Mills, Matthew, Newcastle-upon-Tyne, Engine Fitter. Pet April 24. Clayton, Newcastle, May 12 at 10. Joel, Newcastle-upon-Tyne.

Morrell, Geo, Knaresborough, York, Coach Builder. Pet April 23. Leeds, May 10 at 11. Richardson, Harrogate; North & Sons, Leeds.

Moss, Thos, Lpool, Glass Dealer. Pet April 21. Hime, Lpool, May 10 at 2. Nordon, Lpool.

Needler, Wm, Kingston-upon-Hull, Fish Merchant. Pet April 24. Leeds, May 12 at 12. Spurr, Hull.

Oyns, Richd Philip, Tamerton Foliot, Devon, Superannuated Clerk. Pet April 21. Pearce, East Stonehouse, May 8 at 11. Beer & Rundle, Devonport.

Parker, Wm, Bratch, nr Wombourne, Stafford, Miller. Pet April 24. Brown, Wolverhampton, May 10 at 12. Ward, Wolverhampton.

Parkinson, Jas, New Worlsey, Leeds, Butcher. Pet April 23. Marshall Leads, May 8 at 12. Carr, Leeds.

Parrish, Jas, Bolton, Lancaster, Basket Maker. Pet April 22. Holden, Bolton, May 12 at 10. Hall & Rutter, Bolton.

Parry, Thos Tybir, Anglesea, Farmer. Pet April 24. Lpool, May 11 at 1.30. Grimmer, Lpool.

Pearson, Chas Fredk, Bury St Edmund's, Suffolk, out of business. Pet April 21. Colling, Bury St Edmund's, May 13 at 10. Walpole, Beyton.

Pepper, John, Lpool, Painter. Pet April 21. Hime, Lpool, May 7 at 2.30. Williams, Lpool.

Pope, Exan, Prisoner for Debt, Winchester. Adj March 17 (for pau). Thorncroft, Southampton, May 5 at 12.

Roberts, Edwd, Ludlow, Salop, Licensed Victualler. Pet April 5. Hill, Birn, May 12 at 12. James & Griffin, Birn.

Euday, Alfred Thos, Macclesfield, Chester, Doctor. Pet April 20. Chalmon, Hanley, May 15 at 11. Stevenson, Stoke-upon-Trent.

Scott, Denby, Bradford, York, Harness Maker. Pet April 23. Bradford, May 7 at 9.15. Harle, Leeds.

Spencer, Jas, Luddenden Foot, York, Beerseller. Pet April 24. Rankin, Halifax, May 14 at 10. Storey, Halifax.

Sloane, Wm, East Stonehouse, Devon, Baker. Pet April 23. Pearce, East Stonehouse, May 8 at 11. Sole & Gill, Devonport.

Teasdale, John, York, Tobacconist's Assistant. Pet April 22. Perkins, York, May 12 at 11. Graystone, Jun, York.

Thomas, Edwd, Neville, Lpool, Draper. Pet April 21. Hime, Lpool, May 7 at 2. Hughes, Lpool.

Thorpe, Wm, Sheffield, Confectioner. Pet April 23. Wake, Sheffield, May 12 at 1. Binney & Son, Sheffield.

Vowles, Wm, Halifax, York, Clock Maker. Pet April 22. Rankin, Halifax, May 14 at 10. Storey, Halifax.

Ward, Margaret, Egerton, Lancaster, Beerseller. Pet April 24. Holden, Bolton, May 12 at 11. Ramwell, Bolton.

Wills, Joseph, sen, & Joseph Wells, jun, Exeter, Soda-water Manufacturer. Pet April 19. Exeter, May 11 at 12. Rogers & Rogers, Exeter.

Whitehead, Wm, Bedale, York, Watchmaker. Pet April 21. Jefferson, Northallerton, May 4 at 12. Waisted, Northallerton.

Wilson, Joshua, jun, Ossett, York, Cloth Manufacturer. Pet April 26. Leeds, May 10 at 1. Simpson, Leeds.

Wilson, Hy, Ossett, York, Mungo Manufacturer. Pet April 26. Leeds, May 10 at 11. Harrison & Smith, Wakefield; Simpson, Leeds.

Winder, John, Wrenbury Heath, Chester, Grocer. Pet April 22. Broughton, Crewe, May 6 at 10. Cooke, Crewe.

Witernold, Wm, Whittington Moor, Derby, Book-keeper. Pet April 19. Wake, Chesterfield, May 11 at 12. Gee, Chesterfield.

Wrigley, Lees, Prisoner for Debt, Lancaster. Adj March 18. Tweedale, Oldham, May 12 at 12.

Wells, Wm, Normanton-upon-Trent, Nottingham, Farmer. Pet April 24. Newton, East Retford, May 8 at 10. Ashley, Newark.

## BANKRUPTCIES ANNULLED.

FRIDAY, April 23, 1869.

Maeors, Hy, Fort-nd, Bermondsey, Carpenter. April 21.

Dale, Saml, Newchapel, Stafford, Ironmaster. April 13.

Brooks, Edgar, Birn, Gun Manufacturer. April 21.

TUESDAY, April 27, 1869.

Little, Wm, Patrington, York, Farmer. April 14.

Benjamin, Bon, Basinghall-st, Boot Manufacturer. April 21.

Swindells, John, Prisoner for Debt, Lancaster. April 22.

Radford, Wm, Sheepshed, Leicester, Farmer. April 17.

GRESHAM LIFE ASSURANCE SOCIETY  
37, OLD JEWRY, LONDON, E.C.

SOLICITORS are invited to introduce, on behalf of their clients, Proposals for Loans on Freehold or Leasehold Property, Reversions, Life Interests, or other adequate securities.

Proposals may be made in the first instance according to the following form:—

## PROPOSAL FOR LOAN ON MORTGAGES.

Date.....

Introduced by (state name and address of solicitor)

Amount required £

Time and mode of repayment (i.e., whether for a term certain, or by annual or other payments)

Security (state shortly the particulars of security, and, if land or buildings, state the net annual income).

State what Life Policy (if any) is proposed to be effected with the Gresham Office in connection with the security.

By order of the Board,

F. ALLAN CURTIS, Actuary and Secretary.

## OFFICES TO LET.—First-rate Offices in Bedford-row (Ground Floor) to let. Rent £80. Apply at 43, Bedford-row (first floor).

## FIRST-CLASS CHAMBERS, with Strong Room, to let, on Ground Floor.—Apply at 28, Bedford-row.

## BILLS OF COMPLAINT, ANSWERS, APPEALS, MINUTES, and all Law Printing, executed with promptitude and at moderate charges by

## YATES &amp; ALEXANDER,

LAW PRINTERS,

7, Symonds-inn (and at Church-passage), Chancery-lane, London.

## YATES AND ALEXANDER, PRINTERS,

7, Symonds-inn (and at Church-passage), Chancery-lane, E.C. Parliamentary Bills, Appeals, Bills of Complaint, Memorandums and Articles of Association, Legal Forms, Notices, &amp;c.

Prospectuses of Public Companies, Share Certificates, Show Cards, Cheques, Insurance Tables, Policies, Proposal Forms.

Catalogues, Particulars and Conditions of Sale, Posting Bills, and all General Printing.

## TO SOLICITORS, &amp;c., requiring DEED BOXES

will find the best-made article lower than any other house. List of Prices and sizes may be had gratis or sent post free.

RICHARD &amp; JOHN SLACK, 336, Strand, opposite Somerset House.

Established nearly 50 years. Orders above £2 sent carriage free.

## SLACK'S FENDER AND FIRE-IRON WAREHOUSE

HOUSE is the MOST ECONOMICAL, consistent with good quality—Iron Fenders, 35.6d.; Bronzed ditto, 8s. 6d., with standards; Superior Drawing-room ditto, 14s. 6d. to 50s.; Fire Irons, 2s. 6d. to 20s. Patent Dish Covers, with handles to take off, 18s. set of six. Table Knives and Forks, 8s. per dozen. Roasting Jacks, complete, 7s. 6d. Tea-trays, 1s. 6d. set of three; elegant Papier Maché ditto, 25s. the set. Teapots, with plated knob, 6s. 6d.; Coal Scuttles, 2s. 6d. A set of Kitchen Utensils for cottage, £3. Slack's Cutlery has been colored for 50 years. Savory Table Knives, 1s., 1s., 1s., and 1s. per dozen. White Bone Knives and Forks, 8s. 9d. and 1s.; Black Horn ditto, 8s. and 10s. All warranted.

As the limits of an advertisement will not allow of a detailed list, purchasers are requested to send for their Catalogue, with 350 drawings, and prices of Electro-Plate, Warranted Table Cutlery, Furnishing Ironmongery, &amp;c. May be had gratis or post free. Every article marked is plain figures at the same low prices for which their establishment has been celebrated for nearly 50 years. Orders above £2 delivered carriage free per rail.

RICHARD &amp; JOHN SLACK, 336, STRAND, LONDON,

Opposite Somerset House.